THE MADRAS PORT TRUST ACT, 1905.

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MADRAS ACT No. II OF 1905.[1]

[THE MADRAS PORT TRUST ACT, 1905.]

[19*th April* 1905 ; 17*th May* 1905.]

An Act to amend and consolidate the law relating to the Port of Madras.

Preamble.

WHEREAS it is expedient to amend and consolidate the law relating to the regulation, conservancy and improvement of the Port of Madras ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Madras Port Trust Act, 1905.

2, 3 & 4. [*Repealed by section* 3 *of the Madras Act IV of* 1923.]

Interpretation clause.

5. In this Act, unless there be something repugnant in the subject or context,—

"Board."

(1) "Board" means the Trustees of the Port of Madras appointed under this Act ;

"Chief Officer of Customs."

(2) "Chief Officer of Customs" denotes the chief executive officer of [2][* *] Customs for the Port of Madras for the time being ;

"Dock."

(3) "Dock" includes basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, [3][slipways], grid-irons, quays, warehouses, and other works and things appertaining to any dock, and also denotes the portion of the sea enclosed [4][or protected] by the arms or groynes of the harbour ;

"Goods."

(4) "Goods" means and includes every kind of movable property ;

[5][* *]

"Land."

[5](5) "Land" includes the bed of the sea below high watermark ;

"Master."

[5](6) "Master" when used in relation to any vessel [6][or any aircraft making use of the port] means any person having for the time being the charge or control of such vessel [7][or such aircraft, as the case may be] except a pilot or harbour-master [8][of the port] ;

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1 For Statement of Objects and Reasons, *see Fort St. George Gazette*, 1904, Extraordinary, p. 569 ; for Report of the Select Committee, *see ibid*, 1905, Part IV, page 5 and for Proceedings in Council, *see ibid*, 1904, Part IV, p. 590 and *ibid*, 1905, Part IV, pp. 72 and 200.

2 The word "Sea" before the words "Customs of the Port of Madras" was omitted by section 3 of Madras Act II of 1915.

3 The word "stepways" was substituted for the words "patent slips" by *ibid*.

4 These words were inserted by *ibid*.

5 The definition of "Harbour" which was clause (5) was omitted and original clauses (6) to (13) were renumbered as (5) to (12) by *ibid*.

6 These words were inserted by section 128 (*a*) (i) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

7 These words were inserted by section 128 (*a*) (ii), *ibid*.

8 These words were added by section 128 (*a*) (iii), *ibid*.

[1] (7) " Owner ", when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods ; and when used in relation to any vessel [2] [or any aircraft making use of the port], includes any part owner, charterer, consignee, or mortgagee in possession thereof ;

" Owner."

[1] (8) " Pier " includes any stage, stairs, landing-place, hard jetty, landing-stage, floating-barge, or pontoon, and any bridges or other works connected therewith ;

" Pier."

[1] (9) " Port " means the Port of Madras within such limits as may from time to time be defined by the [3] [Central Government] for the purpose of this Act by notification in the [4] [Official Gazette] and until a notification is so issued, within such limits as may have been defined by the Government under the provisions of the Madras Harbour Trust Act, 1885 ;

" Port."

[5] [(10) " Port Trust security " means debentures, bonds or stock certificates issued by the Board in respect of any loan contracted under the provisions of this Act ;]

" Port Trust security."

[5] [(11) " Prescribed " means prescribed by rules or by-laws made under this Act ;]

" Prescribed."

" Public securities."

[6] [(11-A.) " Public securities " mean—

(*a*) promissory notes, debentures, stock or other securities of the Central Government or of any State Government,

(*b*) debentures or other securities for money issued by or on behalf of any municipal body, Improvement Trust or Port Trust under the authority of any law for the time being in force in India, and includes the Port Trust securities ;]

[5] [(12) " Rate " includes any toll, due, rent, rate or charge leviable under this Act ;

" Rate."

[5] [(13) " Vessel " denotes any thing made for the conveyance [7] [mainly] by water of human beings or of property ;

" Vessel."

[5] [(14)] " Wharf " includes [8] [any wall or stage and] any part of the foreshore that may be used for loading or unloading goods, and any wall enclosing or adjoining the same.

" Wharf."

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1 The definition of " Harbour " which was clause (5) was omitted and original clauses (6) to (13) were renumbered as (5) to (12) by section 3 of Madras Act II of 1915.

2 These words were inserted by section 128 (*b*), *ibid.*

3 These words were substituted for the words " Local Government " by the Adaptation Order of 1937.

4 These words were substituted for the words " *Fort St. George Gazette* " by *ibid.*

5 Clauses (10) and (11) were added and original clauses (10) to (12) were renumbered as (12) to (14) by section 4 of the Madras Port Trust (Amendment) Act, 1922 (Madras Act IV of 1923).

6 Clause(11-A) was inserted by section 128 (*c*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

7 This word was inserted by section 128 (*d*), *ibid.*

8 These words were inserted by section 3 of the Madras Port Trust (Amendment) Act, 1915 (Madras Act II of 1915).

[1][5-A. (1) Any requirement in this Act that a notification, order, rule or by-law issued or made by the Board or by the Central Government shall be published in the Official Gazette, shall, unless otherwise expressly provided in this Act, be construed as a requirement that the notification, order, rule or by-law shall—

Requirements as to publication of notifications, orders, etc., in the Official Gazette.

(*a*) where it is issued or made by the Board, be published in the Official Gazette of the State, and

(*b*) where it is issued or made by the Central Government, be published in the Gazette of India.

(2) Any notification, order, rule or by-law issued or made by the Central Government shall, for general information, be also republished in the Official Gazette of the State.]

CHAPTER II.

The Board of Trustees.

6. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board to be called " The Trustees of the Port of Madras," and such Board shall be a body corporate and have perpetual succession and a common seal and shall sue and be sued by the aforesaid name.

Imposition of duty of working the Act on a Board.

[2][[3](7. The Board shall consist of [4][twenty-one] Trustees including the Chairman :

Constitution of the Board.

Provided that, if the Chairman is absent on leave for more than a fortnight and if another Chairman is appointed to act for him, the absent Chairman shall cease to be a Trustee during the continuance of the acting appointment, but shall again become a Trustee on his return to duty.)]

[2][[5](8. (1) The Chairman shall be appointed by the Central Government [6](by notification in the Official Gazette). The remaining Trustees shall be as follows :—

Appointment of Trustees.

(*a*) the Collector of Customs, Madras, *ex-officio* ;

(*b*) the Municipal Commissioner for the City of Madras, *ex-officio* ;

(*c*) the General Manager, Madras and Southern Mahratta Railway, *ex-officio* ;

(*d*) the General Manager, South Indian Railway, *ex-officio* ;

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1 Section 5-A was inserted by section 129 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

2 Sections 7 to 13 were substituted for original sections 7 to 17 by section 5 of Madras Act IV of 1923.

3 This section was substituted by section 2 of the Madras Port Trust (Amendment) Act, 1941 (Central Act XVIII of 1941).

4 This word was substituted for the word " eighteen " by section 2 of, and the Schedule to, the Bombay Calcutta and Madras Port Trusts (Constitution) (Amendment) Act, 1948 (Central Act XXXVI of 1948).

5 This section was substituted by section 2 of, and the Schedule to, the Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Act, 1948 (Central Act XXXVI of 1948) for section 8 as substituted by section 2 of the Madras Port Trust (Amendment) Act, 1941 (Central Act XVIII of 1941).

6 These words were inserted by section 130 of the Port Trusts and Ports (Amendment) Act (Central Act XXXV of 1951).

(Chapter II.—The Board of Trustees.)

(*e*) one representative of the Mercantile Marine Department chosen by the Central Government ;

(*f*) one representative of the Defence Services chosen by the Central Government ;

(*g*) one representative of the [1][State] Government chosen by the [1] [State] Government ;

(*h*) two representatives of labour chosen by the Central Government after consultation with the registered trade unions, if any, composed of persons employed in the port ; and

(*i*) eleven elected trustees.

(2) Of the eleven elected trustees, one shall be elected by the Municipal Corporation of the City of Madras and the remaining by such [1][State] or local bodies representing commercial interests as the Central Government may, from time to time, by notification in the Official Gazette, specify and such notification may also specify the number of trustees that each of such bodies may elect.

(3) The result of any election held in pursuance of sub-section (2) shall be communicated forthwith to the Central Government by the chief executive authority of the Municipal Corporation or the body concerned.)]

Appointment of Trustees by the Central Government and publication of names of elected Trustees.

[2][9. (1) The Trustees other than the Chairman and those who are *ex-officio* Trustees or elected Trustees shall be appointed either by name or by virtue of office by the Central Government by notification in the Official Gazette.

(2) The names of persons elected as Trustees shall be published by the Central Government in the Official Gazette.]

Disqualifications for office of Trustee.

[3][10. (1) [4][A person shall be disqualified to be a Trustee if he]

[5][(*a*) * * *]

[6][(*b*) has been convicted and sentenced to imprisonment for an offence involving moral turpitude punishable with imprisonment for a term exceeding six months, or to transportation, such conviction not having been subsequently reversed or quashed, unless the Central Government has by order removed the disqualification ;]

(*c*) is an [7][* *] undischarged insolvent, or

(*d*) holds any office or place of profit under the Board :

[8][Provided that this disqualification shall not apply to the Chairman, *ex-officio* Trustees and Trustees appointed by virtue of office] ;

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1 This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

2 Sections 7 to 13 were substituted for original sections 7 to 17 by section 5 of the Madras Port Trust (Amendment) Act, 1922 (Madras Act IV of 1923).

3 Sections 7 to 13 were substituted for original sections 7 to 17 by section 5 of the Madras Port Trust (Amendment) Act, 1922 (Madras Act IV of 1923) and section 9 was re-substituted for original section 9 by section 131 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

4 These words were substituted for the words " No person shall be qualified to be a Trustee who " by section 132 (1) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

5 Clause (*a*) was omitted by section 132 (1) (*b*), *ibid.*

6 Clause (*b*) was substituted for original clause (*d*) by section 132 (1) (*c*), *ibid.*

7 The words " uncertificated bankrupt, or " were omitted by section 132 (1) (*d*), *ibid.*

8 This proviso was substituted for the original proviso by section 132 (1) (*e*), *ibid.*

(*e*) has, directly or indirectly, any share or interest in any work done by order of the Board, or in any contract or employment, with, by, or on behalf of, the Board.

No person shall be deemed to have a share or interest in such work, contract, or employment by reason only of his—

(i) having a share in any Joint Stock Company which shall contract with or be employed by, or on behalf of, the Board, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or

(iii) being interested in any loan of money to the Board, or

(iv) having a share or interest in any lease, sale, exchange or purchase of immovable property or any agreement for the same, or

(v) having a share or interest in any licence by the Board, or right by agreement or otherwise with the Board to the sole or preferential use of any railway siding or any berth for vessels in the docks belonging to the Board, or

(vi) having a share or interest in the occasional sale to the Board, to a value not exceeding [1] [ten thousand] rupees in any one official year, of any article in which he trades, or

(vii) being a person to whom, or a member of a firm or company to which, any of the functions specified in clauses (*a*) and (*b*) of sub-section (1) of section 39 shall have been relinquished under section 41-A.

(2) [Any elected Trustee or any Trustee appointed by name] who—

(*a*) becomes disqualified for any of the aforesaid reasons, or

(*b*) refuses to act or becomes incapable of acting, or

(*c*) is absent from the meetings of the Board for a period exceeding six consecutive months, or, without the permission of the Board previously obtained, from six consecutive ordinary meetings of the Board, shall cease to be a Trustee, and his office shall thereupon become vacant [3][or]

[4] [(*d*) acts in contravention of the provisions of section 23-A.]

Term of office of Chairman and other Trustees.

[5] [**11.** (1) The Chairman shall hold office during the pleasure of the Central Government.

(2) Subject to the provisions of sections 10, 11-A, 13, 13-A and 20, an elected Trustee or a Trustee appointed by name shall hold office for a term of two years commencing on the first day of April next following the election or appointment, as the case may be, of such Trustee.

(3) Subject to the provisions of section 11-A, a Trustee appointed by the Central Government by virtue of an office shall, until the Central Government by notification in the Official Gazette otherwise direct, continue to be a Trustee so long as he continues to hold that office.

(4) The term of office of every Trustee appointed by name or elected as such and holding office on the first day of April next following the commencement of the Port Trusts and Ports (Amendment) Act, 1951, shall be deemed to have expired on that day.] Cen Act of 1

1 These words were substituted for the words " two thousand " by section 132 (1) (*f*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

2 These words were substituted for the words " Any trustee " by section 132 (2) (*a*), *ibid.*

3 This word was added by section 132 (2) (*b*), *ibid.*

4 This clause was inserted by section 132 (2) (*c*), *ibid.*

5 Sections 7 to 13 were substituted for original sections 7 to 17 by section 5 of the Madras Port Trust (Amendment) Act, 1922 (Madras Act IV of 1923) and section 11 was re-substituted for original section 11 by section 133, *ibid.*

(*Chapter II.—The Board of Trustees.*)

[1][11-A. An elected trustee or a Trustee appointed by the Central Government, whether by name or by virtue of an office, may at any time resign his office by giving notice in writing to the Chairman who shall forward the same to the Central Government, and on such resignation being accepted by that Government, he shall cease to be a Trustee, and his office shall thereupon become vacant.

Resignation of Trustees.

11-B. (1) Every vacancy in the office of an elected Trustee or of a Trustee appointed by name caused by the expiration of the term of office of such Trustee shall be filled by election or appointment, as the case may be, within one month immediately preceding the date of expiration of such term.

Filling of vacancies in the office of Trustees.

(2) Every vacancy in the office of a Trustee appointed by the Central Government by virtue of an office caused by the expiration of the term of office of such Trustee or otherwise shall be filled by appointment within one month of the occurrence of such vacancy.]

[2][12. Any person ceasing to be [3][an elected Trustee or a Trustee appointed by name] shall, unless disqualified under sub-section (1) of section 10, be eligible for re-election or re-appointment.]

Eligibility of Trustees for re-election or re-appointment.

[4][13. Any casual vacancy in the office of an elected Trustee or of a Trustee appointed by name caused by the death or resignation of such Trustee or by virtue of the provisions of sub-section (2) of section 10, shall be filled within one month by election or appointment, as the case may be, in the manner hereinbefore provided:

Filling of casual vacancies.

Provided that the Trustee so elected or appointed shall retain his office so long only as the vacating Trustee would have retained the same if such vacancy had not occurred.

13-A. (1) Nothing in the foregoing provisions shall prevent a person being appointed by the Central Government to fill any vacancy in the office of a Trustee appointed by the Central Government either by name or by virtue of an office after the expiration of the period specified therefor in section 11-B or section 13, as the case may be, if for any reason, it has not been possible for the Central Government to make the appointment within the said period.

Saving provision for appointment and election of Trustees after the prescribed period.

(2) If the Central Government is satisfied that an electing body has failed to elect a Trustee within the period specified therefor in section 11-B or section 13, as the case may be, for reasons beyond its control, the Central Government may, by notification in the Official Gazette, direct that the election shall be held on or before such date (after the expiration of the said period) as may be specified in the notification.

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1 These sections were inserted by section 134 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

2 Sections 7 to 13 were substituted for original sections 7 to 17 by section 5 of the Madras Port Trust (Amendment) Act, 1922 (Madras Act IV of 1923).

3 These words were substituted for the words "a Trustee" by section 135 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

4 Sections 13 and 13-A were substituted for original section 13 by section 136, *ibid.*

(3) Where a Trustee is appointed by name, or elected under sub-section (2) of this section or nominated under section 18 to fill any such vacancy as is referred to in section 11-B after the expiration of the period specified therefor in that section, the term of office of such Trustee shall commence on the date on which his appointment, election or nomination, as the case may be, is notified in the Official Gazette and shall expire on the date on which his term of office would have expired if his appointment, election or nomination, as the case may be, had been made within the period so specified in section 11-B.]

[1][* * * * *]

Nomination of elected Trustees by Central Government in default of election.

18. In the event of default being made [2][* * * *] in electing any Trustee under [3][* * *] [4][section 8 or section 13] within the period prescribed in this behalf, it shall be lawful for the [5][Central Government] [6][* * *] to nominate a person, and the person so nominated shall be deemed to be an elected Trustee.

Grant of leave of absence to Chairman.

19. The [5][Central Government] may from time to time grant to the Chairman such leave of absence as they may deem fit, and any person appointed by the [5][Central Government] to act for the Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman.

Appointment of acting Trustees.

[7][20. (1) If an elected Trustee or a Trustee appointed by name departs from Madras with an intention of being absent for a longer period than three months, or if such a Trustee shall have been absent for such period, a person shall be elected or appointed, as the case may be, to act for such Trustee during his absence or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

(2) Nothing in sub-section (1) shall prevent a person being elected or appointed for a period not longer than three months in the place of an absent Trustee, on the application of the Board if the absentee be an elected Trustee, or at the discretion of the Central Government if he be a Trustee appointed by name or by virtue of an office.]

Remuneration to the Chairman and acting Chairman.

[8][21. The [5][Central Government] may from time to time determine the remuneration to be paid as salary, [9][leave salary or allowances,if any], to the Chairman and to the person appointed under section 19 to Act for the Chairman during his absence on leave and may declare and conditions and restrictions upon and under which such remuneration shall be payable.]

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1 Sections 7 to 13 were substituted for original sections 7 to 17 by section 5 of Madras Act IV of 1923.
2 The words "by the Chamber of Commerce or Trades Association" after the words "being made" were omitted by section 7 of Madras Act II of 1915.
3 The words and figures "section 12 or" were omitted by section 6 of Madras Act IV of 1923.
4 The words and figures "Section 8 or section 13" were substituted for the words and figures "section 15" by *ibid.*
5 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.
6 The words "by notification in the *Fort St. George Gazette*" were omitted by section 6 of Madras Act IV of 1923.
7 This section was substituted for original section 20 by Section 137 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).
8 This section was substituted by section 7 of Madras Act IV of 1923.
9 These words were substituted for the words "leave allowances or other allowances" by section 138 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

(Chapter II—The Board of Trustees.)

[1][21-A. The Central Government may fix the amount of gratuity or compassionate allowance, if any, which shall be paid to the Chairman on his retirement from office and may determine the conditions under which the said gratuity or compassionate allowance shall be payable.

Gratuity, etc., for Chairman.

21-B. Notwithstanding anything contained in this Act, the Central Government may permit the Chairman who, before such appointment had been an employee of the Board, to join the Provident Fund established by the Board under clause (6) of section 28 for the benefit of the employees appointed under this Act and may determine the conditions and restrictions subject to which such permission may be given.]

Permission to Chairman to join Provident Fund.

[2][22. It shall be lawful for the [3][Central Government] to determine from time to time the fees [4](if any) to be paid to the Trustees [5](or to any class of them) other than the Chairman for attendance at meetings, and to prescribe conditions and restrictions upon and under which such fees shall be payable.]

Fees payable to Trustees.

23. The following provisions shall be observed with respect to the proceedings of the Board, namely :—

Provisions concerning Board's proceedings,

[6][(1)] The Board shall meet together and shall from time to time make such arrangements not inconsistent with this Act with respect to the place, day, hour, notice, management, and adjournment of its meetings, and generally with respect to the transaction of business, as it may think fit, subject to the following conditions, namely :—

Meetings, etc., for transaction of business.

(*a*) that a meeting shall be held once at least in every fortnight ;

Ordinary fortnightly meetings.

(*b*) that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting ;

Special meetings.

(*c*) that no business shall be transacted at any meeting unless at least five Trustees are present throughout such meeting ;

Quorum.

(*d*) that every meeting shall be presided over by the Chairman, if he is present at the time appointed for holding the same, and if and while he is absent, by such one of the Trustees present as may be chosen by the meeting ;

President at meetings.

(*e*) that all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes ;

Decision of questions by majority of votes.

(*f*) that if a poll be demanded the names of the Trustees voting and the nature of their votes shall be recorded by the President of the meeting ;

Demand of poll.

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1 Sections 21-A and 21-B were inserted by section 139 of the Port Trusts and Ports (Amendment) Act 1951 (Central Act XXXV of 1951).
2 This section was substituted by section 8, of Madras Act IV of 1923.
3 These words were substituted for the words " Local Government " by the Adaptation Order of 1937.
4 These words were inserted by section 140 (*a*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).
5 These words were inserted by section 140 (*b*), *ibid.*
6 Old sub-section (1) was repealed and remaining sub-sections renumbered by section 9 of Madras Act IV of 1923.

(*g*) that minutes shall be kept [1][* * *] of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President of such meeting, and shall be open to inspection by any trustee during office hours : [and the said minutes, excepting such portion thereof as the Chairman may in any particular case direct, shall also be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may from time to time be fixed by the Board ;]

Minutes of proceedings.

Adjournment of meetings.

(*h*) the President may, with the consent of any meeting, adjourn it ;

Transmission of minutes to Government and their publication in Gazette.

[3][(*i*) a summary of the minutes of every meeting of the Board shall, as soon as practicable, be published in the Official Gazette.]

Appointment of Committees by Board.

[4][(2)] The Board may, from time to time, appoint Committees consisting of not less than five of its number for carrying into effect any part of the provisions of this Act, with such powers and under such instructions, directions, or limitations as shall be defined by the Board. Three members of any such Committee shall be a quorum ; and the Board shall have power at any time to alter the constitution of or discontinue any such Committee.

President at meetings of Committees.

[4][(3)] A Committee may elect a Chairman of its meetings, and if no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of the meeting.

Meetings of Committees.

[4][(4)] Committees may meet and adjourn at their discretion, but the Chairman of the Board may whenever he thinks fit and shall, upon the written request of not less than two members of a Committee, call a Special meeting of such Committee.

Decision of questions at meetings of Committees.

[4][(5)] Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the Chairman shall have a second or casting vote.

Quorum in Committees.

[4][(6)] No business shall be transacted at any such meeting unless at least three of the members of the Committee are present from the beginning to the end thereof.

Restriction of power of Trustees to vote or discuss matters in which they are interested.

[5][**23-A.** No Trustee shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board or of any Committee if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner, or in which he is interested professionally on behalf of a client or as agent for any person other than the [6][Central Government], a local authority or a railway company.]

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1 The words " by the Secretary " were omitted by section 8 of Madras Act II of 1915.
2 These words were added by section 141 (*a*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).
3 This sub-clause was substituted for original sub-clause (1) by section 141 (*b*), *ibid.*
4 Old sub-section (1) was repealed and remaining sub-sections were renumbered by section 9 of the Madras Port Trust (Amendment) Act, 1922 (Madras Act IV of 1923).
5 This section was added by section 10, *ibid.*
6 These words were substituted for the word " Government " by the Adaptation Order of 1937.

(Chapter II—The Board of Trustees. Chapter III—Officers and Servants other than the Chairman.)

Validation of acts and proceedings.

24. No act or proceeding of the Board or of a Committee shall be invalid in consequence only of there being a vacancy in the number of the Trustees at the time when such act or proceeding was had or done, or by reason only of there being some defect in the appointment of such Board, Committee or Trustee, or on the ground that they or any of them were disqualified for the office of Trustee.

Delegation of powers to Chairman.

25. (1) The Board may, by resolution in writing, with the sanction of the [1][Central Government], prescribe which of the powers and duties by this Act conferred or imposed upon the Board may be exercised and performed by the Chairman.

(2) The Board may, from time to time, with the like sanction, alter or cancel any such resolution.

Duties of Chairman.

26. The Chairman shall—

(1) attend every meeting of the Board unless prevented by sickness or other reasonable cause ;

(2) exercise supervision and control over the acts and proceedings of all [2] [employees] of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board ;

[3][(3) * * * * * *].

CHAPTER III.

OFFICERS AND SERVANTS OTHER THAN THE CHAIRMAN.

Schedule of Board's staff.

27. The Board shall, from time to time, prepare and sanction a schedule of the staff of [4] [employees (other than the Chairman)] whom the Board shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the Board sanctions for each such [5][employee] :

Provided that artisans, porters and labourers, and the suppliers of porters and labourers, shall not be deemed to be officers or servants within the meaning of this section or of sections 28 and 29.

28. The Board [6][may] from time to time, frame regulations—

Power to frame regulations regarding leave.

(1) for regulating the grant of leave to the [7] [employees (other than the Chairman)] of the Board ;

Absentee allowances.

(2) for authorizing the payment of allowances to the said [5][employees], or to any of them, whilst absent on leave ;

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1 These words were substituted for the words " Local Government " by the Adaptation Order of 1937.
2 This word was substituted for the words " officers and servants " by section 142 (*a*) of Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).
3 This clause was omitted by section 142 (*b*), *ibid.*
4 These words were substituted for the words " officers (other than the Chairman) and of servants " by section 143, *ibid.*
5 This word was substituted for the words " officer or servants " by *ibid.*
6 This word was substituted for " shall " by section 12 of Madras Act IV of 1923.
7 These words were substituted for the words " officers (other than the Chairman) and servants " by section 143 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

(Chapter III.—Officers and Servants other than the Chairman.)

Acting allowances.

(3) for determining the remuneration to be paid to the persons appointed to act for any such [1][employees] during their absence on leave ;

Length of service.

(4) for regulating the period of service of all such officers and servants ;

Pensions, etc.

(5) for determining the conditions under which such [1][employees], or any of them [2][may become] entitled, on retirement, to pensions, gratuities, or commpassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances ;

Contributions to provident fund.

(6) for authorizing the payment of contributions at prescribed rates and subject to prescribed conditions to any provident fund, which may, with the Board's approval, be established by the [1][employees] appointed under this Act, or to such provident fund, if any, as may be established by the Board, with the approval of the [3][Central Government] for the benefit of such officers and servants ;

Contributions to Welfare fund.

[4][(6-*a*) for authorizing the payment of contributions to any welfare fund which may be established by the Board for the benefit of the employees appointed under this Act :

Provided that the maximum rate of annual contribution to any such welfare fund and the maximum amount to which any such welfare fund may be allowed to accumulate, shall be fixed from time to time by the Central Government ;]

Pensions in the case of subordinates injured or who died while in the service of the Board.

(7) for determining the conditions under which pensions, gratuities, or compassionate allowances may be paid to any of such [1][employees] injured, or to the surviving relatives of any of such [1][employees] [5][who died while in the service of the Board ;]

Matters relating to terms and conditions of service not covered by other clauses.

[6][(8) for regulating the recruitment, promotion, conduct, discipline, punishment and any other matter relating to the terms and conditions of service applicable to the employees of the Board or allotment of premises to them or their rights and their privileges, not covered by any of the foregoing clauses.]

Subject to the provisions of [7][sub-section (5*b*) of section 36 of the Indian Ports Act, 1908 (XV of 1908)] all pensions, contributions, and allowances mentioned in this section shall be chargeable to the general fund of the Board ;

Proviso.

[8][Provided that the regulations framed under this section shall not take effect unless and until they have been approved by the Central Government.] ;

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1 This word was substituted for the words "Officers and Servants" by the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV) of 1951.

2 The words "may become" were substituted for the words "shall be" by section 12 of Madras Act IV of 1923.

3 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

4 This clause was inserted by section 144 (*a*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

5 These words were substituted for the words "killed in the execution of their duty" by section 12 of Madras Act IV of 1923.

6 This clause was inserted by section 144 (*b*).

7 These brackets, figures and letters were substituted for the word and figures "section 94" by section 144 (*c*), *ibid.*

8 This proviso was substituted for the original proviso by section 144 (*d*), *ibid.*

(Chapter III.—Officers and Servants other than the Chairman.)

[1][28-A. Notwithstanding anything contained in sections 27 and 28, the Board may, subject to the sanction of the [2][Central Government], frame regulations of the nature mentioned in [3][ ] section 28 for the benefit of artisans, porters and labourers and the suppliers of porters and labourers; and subject to the provisions of [4][sub-section (5*b*) of section 36 of the Indian Ports Act, 1908 (XV of 1908)], all pensions, contributions and allowances payable under any such regulation and any payments of the same nature that have already been made shall be chargeable to the general fund of the Board.]

Power to frame regulations for artisans, porters, etc.

[5][29. (1) Subject to the provisions of the Schedule, for the time being in force sanctioned by the Board under section 27 and of the regulations and rules made by the Board under sections 28 and 92 and also to the provisions of section 30, the powor of appointing, promoting, granting leave to, suspending, fining, reducing or dismissing, or of disposing of any other question relating to the services of, the employees of the Board including the power of dispensing with the services of any such employee otherwise than by reason of the misconduct of such employee shall be exercised, in the case of employees whose maximum monthly salary exclusive of allowances is less than one thousand rupees, by the Chairman and in every other case, by the Board.

Appointments, etc, by whom to be made.

(2) The Chairman may upon such terms as he may think fit and subject to the provisions referred to in sub-section (1) and to the Chairman's powers of revision and control, delegate to the head of any department for the time being all or any of his powers under the said sub-section in respect of the employees of that department whose monthly maximum salary exclusive of allowances does not exceed three hundred and fifty rupees.

(3) Notwithstanding anything contained in sub-section (1), the power to make appointment to posts of heads of departments shall be exercisable only by the Central Government after consultation with the Chairman.

(4) The Central Government may by order specify each of the posts the incumbent of which shall, for the purposes of this section, be regarded as the head of a department.]

[5][29-A. Notwithstanding anything contained in section 74, all fines realized under section 29 shall be credited to any such welfare fund as may be established by the Board for the benefit of the employees appointed under this Act.]

Disposal of fines realized under section 29.

[6][30. (1) Every order made by the Board under section 27 or section 29, save where such order has been made in accordance with the regulations, for the time being in force, framed under section 28, shall, so far as the same relates to any employee of the Board whose maximum monthly salary exclusive of allowances is not less than one thousand rupees, be subject to the sanction of the Central Government.

Sanction of Central Government when necessary.

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1 This section was added by section 13 of Madras Act IV of 1923.

2 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

3 The words, brackets and figures "clauses (5) to (7) of" were omitted by section 145 (*a*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

4 These words, brackets, figures and letter were substituted for the word and figures "section 94" by section 145 (*b*), *ibid.*

5 Sections 29 and 29-A were substituted for original section 29 by section 146, *ibid.*

6 This section was substituted for original section 30 by section 147, *ibid.*

(Chapter III.—Officers and Servants other than the Chairman. Chapter IV.—Property of the Board.)

(2) For the purposes of sub-section (1), any person who may, from time to time, be employed as Consulting Engineer to the Board otherwise than on the basis of payment of monthly salary shall be deemed to be an employee whose maximum monthly salary exclusive of allowances is not less than one thousand rupees.]

CHAPTER IV.

PROPERTY OF THE BOARD.

Property vested in Board.

31. From and after the coming into force of this Act, the several immovable properties specified in Schedule II and all movable property held by or in trust for the Board of Trustees of the Harbour of Madras shall vest in the Board but subject to all charges and liabilities affecting the same.

Power to acquire, hold or alienate property.

32. The Board shall, for the purposes of this Act, have power to acquire and hold immovable or movable property, whether within or without the limits of the port, and the Board shall also have power to lease or sell any immovable or movable property which may have become vested in or acquired by it :

Provided that no such acquisition of immovable property not being an acquisition from the [1][Government] shall be valid unless the consent of the [1][Central Government] to such acquisition shall have been first obtained ;

Provided also that no such sale or lease for any term exceeding [2][thirty years] of any immovable property shall be valid unless the sanction of the [1][Central Government] thereto shall have been first obtained.

Application of Land Acquisition Act.

33. When any immovable property is required for the purposes of this Act, the [1][Central Government] may declare that such property is required for a public purpose, and may order proceedings to be taken for obtaining possession of the same under the Land Acquisition Act, 1894. Such property, when so acquired, shall, on payment by the Board of the compensation awarded and all costs connected with its acquirement, be deemed to be vested in the Board.

34. [*Repealed by Schedule I to Madras Act, IV of* 1919.]

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1 The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

2 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

3 These words were substituted for the words "ten years" by section 148 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

CHAPTER V.

WORKS AND SERVICES.

Power to execute works and provide appliances.

35. The Board may execute such works and provide such appliances as the Board may determine to be necessary or expedient for the purposes of the port.

36. Such works and appliances may include—

General nature of works to be executed or appliances to be provided.

(1) wharves, quays, docks, stages, jetties and piers within the port or on the foreshore of the port, with all necessary and convenient arches, drains, landing places, stairs, fences, roads, railways and approaches ;

[1][(2) railways, tramways, locomotives, rolling-stock, sheds, warehouses and other accommodation for passengers and goods and other appliances for carrying passengers and for conveying, receivingand storing goods, landed, or to be shipped or otherwise ;]

(3) moorings for carrying out the purposes of this Act, and cranes, scales, and all other necessary means and appliances for loading and unloading vessels ;

(4) reclaiming, excavating, enclosing and raising any part of the foreshore of the port which may be necessary for the execution of the works authorized by this Act, or otherwise for the purposes of this Act ;

(5) such breakwaters and other works within or without the limits of the port as shall be expedient for the protection of the harbour or port ;

(6) dredgers and other machines for cleaning, deepening and improving any portion of the port or foreshore ;

(7) pilot boats and other appliances necessary for the safe navigation of the port and of the approaches thereto within a distance of three miles from the limits of the port ;

(8) vessels, steam tugs or other boats for use as well within the limits of the port as beyond those limits, whether in territorial waters or otherwise, for the purpose of towing or rendering assistance to any vessel, whether entering or leaving the port or bound elsewhere, and for the purpose of saving or protecting life or property and for the purpose of landing, shipping or transhipping [passengers or] goods under section 39 ;

(9) boats, barges, and other appliances necessary in connexion with the supply of water to shipping in the port ;

(10) engines and other appliances necessary for the extinguishing of fires in the port and on the property of the Board ;

(11) all such other works and appliances as may be, in the opinion of the Board, expedient for carrying out the purposes of this Act.

Power to order survey or examination of works.

37. The [2][Central Government] may, at any time, order a local survey or examination of any works of the Board, or the intended site thereof. The cost of such survey and examination shall be borne and paid by the Board out of the moneys in the Board's han virtue of this Act.

1 This clause was substituted for original clause (2) as substituted by section 9 of Madras Act II of 1915, by section 15 of Madras Act IV of 1923.
2 These words were inserted by section 9 of Madras Act II of 1915.
3 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

Power of Central Government to restore or complete works at the cost of Board.

38. If, at any time, the Board allow any work or appliance constructed or provided by the Board or vested in it under this Act to fall into disrepair,

or do not, within a reasonable period, complete any work commenced by the Board, or included in any estimate sanctioned by the [1] [Central Government],

or do not, after due notice in writing, proceed to carry out effectually any work or repair or to provide any appliance which is necessary in the opinion of the [1] [Central Government] for the purposes of this Act,

the [1][Central Government] may cause such work to be restored or completed or carried out, or such repair to be carried out, or such appliance to be provided ; and the cost of any such restoration, completion, construction [2] [repair] or provision shall be paid by the Board ; and if the Board do not within a reasonable time provide for such payment, the same shall be recoverable in the manner provided in the [3] [Local Authorities Loans Act, 1914]. Cent Act of 1

Powers, etc. of the Board as Conservator of Port or as body appointed under section 36 of the Indian Ports Act, 1908.

[4][**38-A.** All the powers, authorities and restrictions contained in this Act in respect of the works by this Act authorised shall apply to the works which may be executed by the Board as the Conservator of the Port or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908), not being works the cost of which is chargeable to the pilotage account of the port under sub-section (5*b*) of that section, and also to the sanction of such works, the estimates therefor and the expenditure thereunder.]

Performance of services by the Board.

[5][**39.** (1) The Board shall, according to its powers, provide all reasonable facilities for and shall have power to undertake the following services :—

(*a*) landing, shipping or transhipping passengers and goods between vessels in the port and the wharves, piers, quays or docks in possession of the Board ;

(*b*) receiving, removing, shifting, transporting, storing or delivering goods brought within the Board's premises ;

(*c*) carrying passengers by rail, tramway or otherwise within the limits of the port, subject to such restrictions and conditions as the [1][Central Government] may see fit to impose ; and

(*d*) receiving and delivering, transporting and booking and despatching goods originating in the vessels in the port and intended for carriage by the neighbouring railways, or *vice versa*, as a railway company or administration under the Indian Railways Act, 1890.

(2) The Board shall, if so required by any owner, perform in respect of goods all or any of the services mentioned in clauses (*a*), (*b*) and (*d*) of sub-section (1), provided that the Board shall not be bound to perform any service

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1 These words were substituted for the words " Local Government " by the Adaptation Order of 1937.

2 This word was inserted by section 149 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

3 These words and figures were substituted for the words and figures " Local Authorities Loans Act, 1879," by section 32 of Madras Act IV of 1923.

4 This section was inserted by section 150 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

5 Sections 39 to 41-A were substituted for sections 39 to 41 by section 16, *ibid.*

which it has relinquished under the provisions of clause (*a*) of sub-section (1) of section 41-A.

(3) The Board shall, if required, take charge of the goods for the purpose of performing the service and shall give a receipt in the form and to the effect prescribed from time to time by the [1][Central Government].

After any goods have been taken charge of and a receipt given for them under this section no liability for any loss or damage which may occur to them shall attach to any person to whom a receipt shall have been given or to the master or the owner of the vessel from which the goods have been landed or transhipped.]

Responsibility of Board for loss, etc., of goods.

[2][**40.** (1) The responsibility of the Board for the loss, destruction or deterioration of goods of which it has taken charge shall, subject to the other provisions of this Act and subject also in the case of goods received for carriage by railway to the provisions of the Indian Railways Act, 1890, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872, omitting the words "in the absence of any special contract" in section 152 of the last mentioned Act. Provided that, till the receipt mentioned in sub-section (3) of section 39 is given by the Board the goods shall be at the risk of the owner.

(2) The Board shall not be in any way responsible for loss of or damage to goods of which it has taken charge, unless notice of such loss [3][or damage] shall have been given within one month of the date of the receipt given for the goods under sub-section (3) of section 39.]

Performance of services by persons to whom the services have been relinquished by the Board.

[2][**41.** (1) Any person to whom any or all of the services under clauses (*a*) and (*b*) of sub-section (1) of section 39 has or have been relinquished under section 41-A, shall if so required by the owner, perform in respect of goods any of the services so relinquished and for that purpose take charge of the goods and give a receipt in the form and to the effect prescribed from time to time by the [1][Central Government].

(2) The responsibility of any such person for the loss, destruction or deterioration of goods of which he has taken charge shall subject to the other provisions of this Act be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872.]

Relinquishment of services subject to the control of the Central Government.

[2][**41-A.** (1) The Board may, subject to the sanction of the [1][Central Government] and to such conditions as the [1][Central Government] may prescribe,—

(*a*) enter into an agreement relinquishing the performance of any of the services specified in clauses (*a*) and (*b*) of sub-section (1) of section 39 to an approved person, or,

(*b*) enter into an agreement accepting a greater or less liability than that imposed on the Board by sub-section (1) of section 40.

(2) Every agreement entered into under this section shall be in writing and signed by or on behalf of the parties concerned.

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1 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.
2 Sections 39 to 41-A were substituted for sections 39 to 41 by section 16 of Madras Act IV of 1923.
3 These words were inserted by section 151 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

(Chapter V.—Works and Services. Chapter VI—Imposition and Recovery of Rates.)

(3) No person to whom the performance of any service specified in clause (*a*) or (*b*) of sub-section (1) of section 39 is relinquished shall charge or recover for such service any sum in excess of the amount leviable according to the scale framed under section 42, section 43 or section 43-A if such service were performed by the Board.

(4) Notwithstanding such relinquishment, the Board may charge dues according to the scales laid down in sections 42, 43 and 43-A for the use of its works or appliances or for other services connected with that which has been relinquished without thereby incurring any liability under section 40.]

CHAPTER VI.

IMPOSITION AND RECOVERY OF RATES.

Scale of rates.

[1][42. The Board shall frame a scale of rates at which and a statement of the conditions under which any of the services specified hereunder shall be performed by itself or by a person to whom any service has been relinquished under section 41-A or partly by one and partly by the other :—

(*a*) transhipping of passengers or goods between vessels in the harbour ;

(*b*) landing and shipping of passengers or goods from or to such vessels to or from any wharf, quay, pier, dock, land or building in the possession or occupation of the Board or at any place within the limits of the port ;

(*c*) cranage or porterage of goods on any such place ;

(*d*) wharfage, storage or demurrage of goods on any such place ;

(*e*) any other service in respect of vessels, passengers or goods [2][excepting the services in respect of vessels for which fees are chargeable under the Indian Ports Act, 1908 (XV of 1908)].

Scale of rates and statement of conditions for use of property belonging to the Board.

[3][43. The Board shall also frame a scale of rates on payment of which and a statement of conditions under which any property belonging to or in the possession or occupation of the Board or any place within the limits of the port may be used for the purposes specified hereunder :—

(*a*) approaching or lying at or alongside any moorings' wharf, quay, pier, dock, land, buildings or places aforesaid by vessels or boats ;

(*b*) entering upon or plying for hire at or on any wharf, quay, pier, dock, land, building or place aforesaid by animals or vehicles carrying passengers or goods ;

(*c*) leasing of land or sheds by owners of goods imported or intended for export or by steamer agents ;

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1 This section was substituted for section 42 as substituted by section 12 of Madras Act II of 1915, by section 17 of Madras Act IV of 1923.

2 These words brackets and figures were added by section 152 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

3 Sections 43 and 43-A were substituted for original section 43 as amended by section 13 of Madras Act II of 1915, by section 18 of Madras Act IV of 1923.

(*d*) any other use of any land, works or appliances belonging to or provided by the Board.]

Consolidated rates for combination of services.

[1][43-A. The Board may prescribe consolidated rates for any combination of the services specified in section 42 or for any combination of such service or services with any user or permission to use any property belonging to or in the possession or occupation of the Board, as specified in section 43.]

Power to levy concessional rate of charges on coastal Cargo.

[2][43-B. In framing scales under any of the foregoing provisions of this Chapter, the Board may prescribe a lower rate of charges in respect of cargo carried in a vessel from one Indian port to another.

Explanation.—For the purposes of this section, the expression 'Indian port' includes the ports of Diu, Daman, Marmagao, Panjim, Mahe, Karaikal and Pondicherry.]

Prior sanction of Central Government to such scales.

44. (1) Every scale [3][and every statement of conditions] framed by the Board under section 42, [4][section 43 or section 43-A] shall be submitted to the [5][Central Government] for sanction; and, when so sanctioned and published in the [6][Official Gazette] shall have the force of law; and subject to the like sanction and publication may from time to time be amended or added to by the Board.

Power of Central Government to cancel scale of tolls, etc.

[7][(1*a*) It shall be competent for the Central Government at any time to cancel any of the scales framed under the foregoing provisions of this Chapter, or to call upon the Board to modify any portion of such scales, and thereupon the Board shall modify such scales accordingly.]

Remission of rates in special cases.

(2) The Board may, in special cases, [8][for reasons to be recorded in writing], remit the whole or any portion of the rates or of any charge leviable according to any scale in force under this section. [9](It may also on its own initiative correct mistakes, [10][and] remit overcharges made in its bills,[11][ ]).

Power to fix maxima and minima rates.

[12][(3) In respect of any item of any scale of rates framed under the powers conferred by section 42, [4][section 43, or section 43-A] the Board, with the previous sanction of the [5][Central Government], may prescribe, instead of a fixed rate, maximum and minimum rates, and may levy any charges not exceeding the maximum and not below the minimum thus laid down.]

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1 Sections 43 and 43-A were substituted for original section 43 as amended by section 13 of Madras Act II of 1915, by section 18 of Madras Act IV of 1923.

2 This section was inserted by section 153 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

3 These words were inserted by section 8 of Madras Act II of 1919.

4 These words and figures were substituted for the words and figures "or section 43" by section 32 of Madras Act IV of 1923.

5 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

6 These words were substituted for the words "*Fort St. George Gazette*" by *ibid.*

7 This sub-section was inserted by section 154 (*a*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

8 These words were substituted for the words "with the previous sanction of the Central Government" by section 154 (*b*) (i), *ibid.*

9 These words were added by section 14 of Madras Act II of 1915.

10 This word was inserted by section 154 (*b*) (ii) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

11 The words "and write off irrecoverable sums up to a limit of Rs. 200 in each case" were omitted by section 154 (*b*) (iii), *ibid.*

12 This sub-section was added by section 14 of Madras Act II of 1915.

(Chapter VI.—Imposition and Recovery of Rates.)

[1][**44-A.** No person shall be entitled to a refund of an overcharge [2](* * *) unless his claim to the refund has been preferred in writing by him or in his behalf to the [3](Board) within six calendar months from the date of payment.]

Refund of overcharges.

45. (1) If, on the preparation of the estimate of any year, it appears that the estimated income of the Board for such year, after deducting therefrom the estimated expenditure of such year, will be insufficient for the payment of the interest which may be payable by the Board during such year to the [3][Government] or to any other creditor, and of any sinking fund established under section 69 and of any sum the repayment of which is due in pursuance of any terms under section 63 ;

Power to increase rates to cover deficiency of revenue.

or if, at any time in the course of a year, it appears that the income of such portion of the year as has then elapsed, and the estimated income of the residue of such year, after deducting therefrom the actual expenditure of such past portion and the estimated expenditure of such residue, will be insufficient for the payment of the said interest, sinking funds and sums due ;

the Board may, and upon the requisition of the [4][Central Government] shall, increase the rates, for the time being in force, to such extent as will render the estimated income of the year sufficient, as nearly as may be, for the payment in full of the said interest, sinking funds and sums due.

(2) Such increased rates shall be fixed by the Board, and shall be submitted to the [Central Government], and, if approved by the [4][Central Government], shall be published in the [5][Official Gazette], and shall become leviable after the expiration of three months from the date of such publication, and continue leviable until altered by the Board with the sanction of the [4][Central Government].

46. If the Board shall, for fifteen days after the receipt by the Chairman of any such requisition from the [4][Central Government], neglect or refuse to submit to the [4][Central Government] for approval such increased rates the [4][Central Government] may, by notification in the [5][Official Gazette], increase such rates as they think fit; and such notification shall have the same force as if new scale of rates to the same effect had been duly framed under section 42, [6][section 43 or section 43-A] and sanctioned and published under section 44.

Power of Central Government to enhance rates if Board fails to do so.

47. The Board shall not lease, farm, sell or alienate any power vested in it under this Act of levying rates with out the assent of the [4][Central Government].

Disability of Board to lease rates without sanction of Central Government.

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1 This section was added by section 9 of Madras Act II of 1919.

2 The words " in respect of animals or goods landed at the harbour, if for import, or admitted into the harbour premises, if for export " were omitted and the word " Board " was substituted for " Port Trust " by section 19 of Madras Act IV of 1923.

3 The word " Crown " was substituted for the words " Secretary of State for India in Council " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

4 These words were substituted for the words " Local Government " by the Adaptation Order of 1937.

5 These words were substituted for the words " *Fort St. George Gazette* " by *ibid.*

1 These words and figures were substituted for the words and figures " or section 43 " by section 32 of Madras Act IV of 1923.

(Chapter VI.—Imposition and Recovery of Rates.)

Payment of fines and damages to Board.

48. All moneys recovered from any [1][person] under this Act by way of fine or damages shall be paid to the Board. [2][This section does not apply to fines imposed by a Court.]

Moneys received by the Board as Conservator of Port or as a body appointed under section 36 of the Indian Ports Act, 1908.

[3][**49.** All moneys received by the Board as the Conservator of the Port, or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act, 1908 (XV of 1908), excluding all fees and all fines and penalties creditable to the pilotage account of the Port under sub-section (5*a*) of that section, shall be deemed to be a portion of the income of the Board and shall be included in its annual estimates and accounts.]

Time for payment of rates on goods.

50. Rates in respect of goods to be landed shall be payable immediately on the landing of the goods; in respect of goods to be removed from the premises of the Board, or to be shipped for export, or transhipped, shall be payable before the goods are removed or shipped or transhipped.

Lien for rates.

51. For the amount of all rates leviable under this Act in respect of any goods [4][and for the rent due to the Board on any buildings, plinths, stacking areas or other premises on or in which any goods may have been placed] the Board shall have a lien on such goods, and may seize and detain the same until such rates are fully paid.

Priority of lien of Board over other liens and claims.

52. [5][Such lien] shall have priority over all other liens and claims, except for general average and for the ship-owner's lien upon the said goods for freight and other charges where such lien exists and has been preserved in the manner provided in section 53, and for primage, and for money payable to [6][. . . .] the [7][Government].

Preservation of lien for freight after goods are landed.

53. If the master or owner of any vessel or his agent, at or before the time of landing from such vessel any goods at any dock, wharf, quay, stage, jetty or pier in the occupation of the Board, gives to the Board notice in writing that such goods are to remain subject to a lien for freight or other charges including landing charges payable to the ship-owner to an amount to be mentioned in such notice, such goods shall continue liable to such lien to such amount.

Retention of such goods until lien is discharged.

54. Such goods shall be retained in the custody of the Board, or with the consent of the Chief Officer of Customs in the public customs wharves and warehouses, at the risk and expense of the owners of the said goods until such lien is discharged as hereinafter mentioned; and godown or storage rent shall be payable by the party entitled to such goods for the time during which they may be so retained.

1The word " person " was substituted for " offender " by section 20 of Madras Act IV of 1923.
2This sentence was inserted by the Adaptation Order of 1937.
3This section was substituted for original section 49 by section 155 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).
4These words were added by section 21 of Madras Act IV of 1923.
5These words were substituted for the words " The lien for such rates " by section 22, *ibid.*
6The words " His Majesty or " were omitted by the Adaptation Order of 1937.
7The word " Crown " was substituted for the words " Secretary of State for India in Council " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

(Chapter VI.—Imposition and Recovery of Rates.)

Discharge of ship-owner's lien for freight.

55. Upon the production to any [1][employee] appointed by the Board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by whom or on whose behalf such notice has been given, the Board may permit such goods to be removed without regard to such lien, provided that the Board shall have used reasonable care in respect to the authenticity of such document.

Sale of goods after two months if rates or rents are not paid or lien for freight is not discharged.

[2][**56.** It shall be competent to the Board, at the expiry of two months from the time when any goods have passed into its custody, or in the case of perishable goods at the expiry of such shorter period not being less than 24 hours as the Board shall think fit, to sell by public auction so much as may be necessary of such goods, (*a*) if any rates payable to the Board in respect of such goods have not been paid ; or (*b*) if any rent referred to in section 51 in respect of any place on or in which such goods have been stored has not been paid ; or (*c*) if any lien of any ship-owner for freight or other charges of which notice has been given has not been discharged and if the person claiming such lien for freight or other charges has made an application for such sale.]

Notice of sale.

57. Before making such sale, ten days' notice of the same shall be given by publication thereof in the [3][Official Gazette] unless the goods are of so perishable a nature, as, in the opinion of the Board, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of.

Notice of sale to owner.

58. If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Board, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address, or sent by post ; but the title of a *bona fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice he reinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Disposal of goods not removed from the premises of the Board within time limited.

[4][**58-A.** (1) Notwithstanding anything contained in this Act, where any goods placed in the custody of the Board upon the landing thereof are not removed by the owner or other person entitled thereto from the premises of the Board within one month from the date on which such goods were placed in the custody of the Board, the Board may, if the address of such owner or person is known, cause a notice to be served upon him by letter delivered at such address or sent by post, or if the notice cannot be so served upon him or his address is not known, cause a notice to be published in the Official Gazette and also in at least one of the principal local daily newspapers, requiring him to remove the goods forthwith and stating that in default of compliance therewith the goods are liable to be sold by public auction :

Provided that where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice of removal shall be

1 This word was substituted for the word " officer " by section 143 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).
2 This section was substituted by section 23 of Madras Act IV of 1923.
3 These words were sub tituted for the words' ' *Fort St. George Gazette* " by the Adaptation Order of 1937.
4 This section was inserted by section 156 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

so served or published under this sub-section unless two months have expired from the date on which the goods were placed in the custody of the Board.

(2) If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Board may, at any time after the expiration of one month from the date on which the notice was so served or published, sell the goods by public auction after giving notice of the sale in the manner specified in sections 57 and 58.

(3) The Central Government may, by notification in the Official Gazette, exempt any goods or class of goods from the operation of this section.]

Application of sale-proceeds.

59. (1) [1][The proceeds of every sale under section 56 or section 58-A] shall be applied as follows :—

(*a*) in payment of the expenses of the sale ;

(*b*) in payment, according to their respective priorities, of the liens and claims excepted in section 52 from the priority of the lien of the Board ;

(*c*) in payment of the rates and expenses of landing, removing, storing or warehousing the same, and of all other charges due to the Board in respect thereof.

(2) The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agents, on his applying for the same ; provided such application be made within one year from the sale, or reason be shown to the satisfaction of the Board why such application was not so made ; and, in case such application shall not be so made or reason shown, such surplus shall be held by the Board upon trust for the purposes of this Act.

Recovery of rates and charges by distraint of vessel.

60. If the master of any vessel in respect of which any rates or penalties are payable under this Act, or under any by-laws, rules or orders made in pursuance thereof, refuses or neglects to pay the same or any part thereof on demand, the Board may apply to the Chief Officer of Customs of the port, and that officer shall distrain or arrest such vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Board is paid ;

and, in case any part of the said rates of penalties, or of the cost of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest has been so made, the Chief Officer of Customs may cause the vessel or other thing so distrained or arrested to be sold, and, with the proceeds of such sale, shall satisfy such rates or penalties and costs, including the costs of sale remaining unpaid rendering the surplus (if any) to the master of such vessel on demand.

Grant of port-clearance after payment of rates.

61. If the Board give to the officer of Government whose duty it is to grant the port-clearance of any vessel a notice stating that an amount therein specified is due in respect of rates or penalties chargeable under this Act, or under any by-laws, rules or orders made in pursuance thereof, against such vessel, or by the owner or master of such vessel in respect thereof or against or in respect of any goods on board such vessel, such officer shall not grant such port-clearance until the amount so chargeable has been paid.

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1 These words, figures and letter were substituted for the words " The proceeds of every such sale " by section 157 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

(Chapter VI—Imposition and Recovery of Rates.
Chapter VII.—The Borrowing Powers of the Board.)

Alternative remedy by suit.

62. Notwithstanding anything contained in the twelve sections last preceding and in section 48, the Board may recover by suit any rates, damages, expenses, costs, or in case of sale the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to, or recoverable by, the Board under this Act or under any by-laws made in pursuance thereof.

CHAPTER VII.

[1] [THE BORROWING POWERS OF THE BOARD.]

Power to raise loans.

[**63.** (1) The Board may, with the previous sanction of the [3][Central Government], [4][ ] and after due notification in the [5][Official Gazette], raise loans for the purposes of this Act.

(2) Loans may be raised in the open market on Port Trust securities or obtained from the [6][State Government] or the [7][Central Government]. The terms of all loans shall be subject to the approval of the [8][Central Government].]

Port Trust securities.

[**64.** (1) The Board may, with the sanction of the [3][Central Government], prescribe the form in which Port Trust securities shall be issued, the mode in which and the conditions subject to which they may be transferred.

(2) The right to issue in respect of moneys secured by Port Trust securities shall be exercisable by the holders thereof for the time being without preference in respect of priority of date.]

Rights of survivors of joint or several payees of securities.

[9][**64-A.** (1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872 (IX of 1872),—

(*a*) when any Port Trust security is payable to two or more persons jointly and either or any of them dies, the Port Trust security shall be payable to the survivor or survivors of those persons, and

(*b*) when any such security is payable to two or more persons severally and either or any of them dies, the security shall be payable to the survivor or survivors of those persons or to the representatives of the deceased or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after the commencement of this Act.

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1 These words were substituted for the word "Loans" by section 24 of Madras Act IV of 1923.
2 Sections 63, 64, 64-A and 64-B were substituted for original sections 63 and 64 by section 25, *ibid.*
3 These words were substituted forin the words "Local Government" by the Adaptation Order of 1937.
4 The words and figure "and, in the case of a loan of an amount of not less than 5 lakhs of rupees, of the Governor-General in Council," were omitted by *ibid.*
5 These words were substituted for the words "*Fort St. George Gazette*" by *ibid.*
6 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
7 These words were substituted for the words "Government of India" by the Adaptation Order of 1937.
8 These words were substituted for the words "Governor-General in Council" by *ibid.*
9 Sections 64-A, 64-B, 64-C, 64-D, 64-E, 64-F, 64-G, 64-H, 64-I and 64-J were substituted for sections 63-A and 64-A as substituted for original sections 63 and 64 by sect on 25 of Madras Act IV of 1923, by section 156 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (1) applies.

(4) For the purposes of this section, a body incorporated under the Indian Companies Act, 1913 (VII of 1913), or the Co-operative Societies Act, 1912 (II of 1912), or any other enactment for the time being in force, whether within or without India, relating to the incorporation of associations of individuals, shall be deemed to die when it is dissolved.]

Power of one of two or more joint holders to grant receipts.

[1] [**64-B.** Where two or more persons are joint holders of any Port Trust security, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such security, unless notice to the contrary has been given to the Board by any other of the holders.]

Indorsements to be made on security itself.

[1] [**64-C.** Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881 (XXVI of 1881), no indorsement of a Port Trust security which is transferable by indorsement shall be valid unless made by the signature of the holder inscribed on the back of the security itself.]

Indorser of security not liable for amount thereof.

[1] [**64-D.** Notwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), a person shall not by reason only of his having indorsed any Port Trust security be liable to pay any money due either as principal or as interest thereunder.]

Impression of signature on securities.

[1] [**64-E.** (1) The signature of the person authorized to sign Port Trust securities on behalf of the Board may be printed, engraved or lithographed, or impressed by such other mechanical process as the Board may direct on such securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the person so authorised.]

Issue of duplicate securities.

[1] [**64-F.** (1) When any Port Trust security is alleged to have been lost, stolen or destroyed either wholly or in part, and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Board, and on producing proof to its satisfaction of the loss, theft or destruction and of the justice of the claim and on payment of the prescribed fee, if any, obtain from the Board an order for—

(*a*) the payment of interest in respect of the security said to be lost, stolen or destroyed pending the issue of a duplicate security; and

(*b*) the issue of a duplicate security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss, theft or destruction.

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the prescribed manner.

1 Sections 64-A, 64-B, 64-C, 64-D, 64-E, 64-F, 64-G, 64-H, 64-I and 64-J were substituted for sections 63 and A-64-A as substituted for original sections 63 and 64 by section 25 of Madras Act IV of 1923, by section 156 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

(Chapter VII.—The Borrowing Powers of the Board.)

(4) If at any time before the Board becomes discharged under the provisions of this Act from liability in respect of any security the whole of which is alleged to have been lost, stolen or destroyed, such security is found, any order passed in respect thereof under this section shall be cancelled.]

Issue of converted etc., securities.

[1] [**64-G.** (1) The Board may, subject to such conditions as may be prescribed, on the application of a person claiming to be entitled to a Port Trust security or securities, on being satisfied of the justice of the claim and on delivery of the security or securities receipted in the prescribed manner and on payment of the prescribed fee, if any, convert, consolidate or sub-divide the security or securities, and issue to the applicant a new security or securities accordingly.

(2) The conversion, consolidation or sub-division referred to in sub-section (1) may be into a security or securities of the same or different classes or of the same or different loans.]

Discharge in certain cases.

[1] [**64-H.** Notwithstanding anything in section 10 of the Indian Limitation Act, 1908 (IX of 1908)—

(i) on payment of the amount due on a Port Trust security on or after the date on which payment becomes due, or

(ii) when a duplicate security has been issued under section 64-F, or

(iii) when a new security or securities has or have been issued upon conversion, consolidation or sub-division under section 64-G,

the Board shall be discharged from all liability in respect of the security or securities so paid or in place of which a duplicate or new security or securities has or have been issued—

(*a*) in the case of payment—after the lapse of six years from the date on which payment was due ;

(*b*) in the case of a duplicate security—after the lapse of six years from the date of the publication under sub-section (3) of section 64-F of the list in which the security is first mentioned or from the date of the last payment of interest on the original security, whichever date is later ;

(*c*) in the case of a new security issued upon conversion, consolidation or sub-division—after the lapse of six years from the date of the issue thereof.]

Power to make rules.

[1] [**64-I.** (1) The Board may from time to time make rules to provide for all or any of the following matters, namely :—

(*a*) the person, if any, authorized to sign, the mode of affixing the corporate seal and of attestation of documents relating to Port Trust securities ;

(*b*) the manner in which payment of interest in respect of Port Trust securities is to be made and acknowledged ;

(*c*) the circumstances and the manner in which Port Trust securities may be renewed ;

(*d*) the circumstances in which such securities must be renewed before further payment of interest thereon can be claimed ;

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1 Sections 64-A, 64-B, 64-C, 64-D, 64-E, 64-F, 64-G, 64-H, 64-I and 64-J were substituted for sections 63-A and 64-A as substituted for original sections 63 and 64 by section 25 of Madras Act IV of 1923, by section 156 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

(*e*) the form in which securities delivered for renewal, conversion, consolidation or sub-division are to be receipted ;

(*f*) the proof which is to be produced by persons applying for duplicate securities ;

(*g*) the form and manner of publication of the notification mentioned in sub-section (2) of section 64-F and the manner of publication of the list mentioned in sub-section (3) of that section ;

(*h*) the nature and amount of indemnity to be given by a person applying for the payment of interest on Port Trust securities alleged to have been wholly or partly lost, stolen or destroyed, or for the issue of duplicate Port Trust securities ;

(*i*) the conditions subject to which Port Trust securities may be converted, consolidated or sub-divided ;

(*j*) the amounts for which stock certificates may be issued :

(*k*) generally, all matters connected with the grant of duplicate, renewed, converted, consolidated and sub-divided securities ;

(*l*) the fees to be paid in respect of the issue of duplicate securities and of the renewal, conversion, consolidation and sub-division of Port Trust securities ;

(*m*) the fees to be levied in respect of the issue of stock certificates.

(2) The power to make rules under sub-section (1) is subject to the following conditions :—

(*a*) A draft of the rules shall be published in two consecutive issues of the Official Gazette.

(*b*) The same shall have no effect until approved by the Central Government, and until such approval has also been published in the Official Gazette and no rule shall be approved by the Central Government until fourteen days have expired from the date on which the same had been first published in the Official Gazette of the State.

(*c*) The Central Government may at any time by notification cancel any rule published under the provisions of this section.]

Limitation of claims against sinking fund trustees in respect of securities issued by the Board.

[1][64-J. Notwithstanding anything contained in the Indian Limitation Act, 1908 (IX of 1908), no claim shall lie against the trustees of the sinking fund in respect of any security issued by the Board after the lapse of six years from the earliest date on which demand could have been made for the payment of the amount due on such security.]

Place and currency of loans raised.

65. All loans contracted by the Board shall be raised in India, and in Indian currency, unless the [2][Central Government], [3][ ] shall, by a notification in the [4][Official Gazette], otherwise direct.

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1 Sections 64-A, 64-B, 64-C, 64-D, 64-E, 64-F, 64-G, 64-H, 64-I, 64-J were substituted for sections 63-A and 64-A as sub t tuted for or ginal sections 63 and 64 by section 25 of Madras Act IV of 1928, by section 156 of the Port Tru ts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

2 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

3 The words "with the previous sanction of the Governor-General in Council" were omitted by *ibid.*

4 These words were substituted for the word "Gazette" by *ibid.*

(*Chapter VII.—The Borrowing Powers of the Board.*)

Security for loans.

66. All loans may be raised on the security of—

(*a*) the property now vested, or which may hereafter become vested, in the Board, other than any sums set apart by the Board, as a sinking fund for the purpose of paying off any loan ; and

(*b*) the tolls, dues, rates, rents and charges leviable under this Act.

Remedies of the Government in respect of loans made to Board.

67. The [1] [Government] shall have, in respect of loans made by [2] [it] to the Board, or to the Trustees of the Harbour of Madras, the same remedies as [3] [holders of Port Trust securities] ; and [4] [it] shall not be deemed to possess any prior or greater rights in respect of such loans than [3] [holders of Port Trust securities].

Power to repay loans before due date.

68. The Board [5] [may, with the previous sanction of the Central Government, apply any sums out of moneys which may come into its hands under the provisions of this Act and], which can be so applied without prejudicing the security of the other [6] [holders of Port Trust securities], in repaying to the [3] [Government] any sum which may remain due to [2] [it] in respect of the principal of any loan although the time fixed for the repayment of the same may not have arrived :

Provided that no such repayment shall be made of any sum less than ten thousand rupees ; and that, if such repayment is made, the amount of interest in each succeeding instalment shall be adjusted so as to represent exactly the interest due on the outstanding principal.

Establishment of sinking fund.

69. In the case of loans raised by the Board which are not repayable before the expiration of one year from the date of the loan, the Board shall set apart half-yearly out of its income as a sinking fund a sum sufficient to liquidate the loan within a period which shall not in any case, unless the previous consent of the [7] [Central Government] shall have been obtained, exceed thirty years ; but the maximum period shall not in any case exceed sixty years. Provided that a sinking fund need not in the absence of any stipulation to that effect be established in the case of loans taken from the [1] [Government].

Investment of sinking fund.

70. (1) The sums so set apart shall be invested [8] [in public securities or in such other securities as the Central Government may approve in this behalf] and shall be held in trust for the purposes of the Act by two Trustees, one being the Board, and the other a person appointed by the [9] [Central Government].

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1 The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

2 This word was substituted for the word "him" by the Adaptation Order of 1937.

3 These words were substituted for the words "debenture-holders" by section 3 of the Madras Port Trust (Amendment) Act, 1929 (Madras Act VII of 1929).

4 This word was substituted for the word "he" by the Adaptation Order of 1937.

5 These words were substituted for the words "may apply any sums" by section 159 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

6 These words were substituted for the words "debenture-holders of the Board" by section 4 of the Madras Port Trust (Amendment) Act, 1929 (Madras Act VII of 1929).

7 These words were substituted for the words "Governor-General in Council" by the Adaptation Order of 1937.

8 These words were substituted for the words "in securities of the Central Government or in Port Trust securities" by section 160 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

9 These words were substituted for the word "Local Government" by the Adaptation Order of 1937.

(Chapter VII.—The Borrowing Powers of the Board.)

Application of sinking fund.

(2) The Board may apply the whole or any part of the sums accumulated in the sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established, provided that it pays into the fund in each year, and accumulates until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied.

Examination of sinking fund.

[1] [**71.** (1)] The sinking fund established for the liquidation of any loan shall be subject to annual examination by the Accountant-General, Madras, who shall ascertain whether the cash and the [2] [current market value] of the securities at the credit of the fund are actually equal to the amount which would have been accumulated, had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon. The Trustees shall pay forthwith into the sinking fund any amount which the Accountant-General may certify to be deficient [3] (unless the Central Government specifically sanctions a gradual readjustment.)

[4] [(2) If the cash and the current market value of the securities at the credit of the sinking fund are in excess of the amount which should be at its credit, the Accountant-General shall certify the amount of this excess and the Board may, with the previous sanction of the Central Government,—

(*a*) withdraw the whole or any part of the certified excess, in which case the Trustees in whose names the sinking fund is invested under sub-section (1) of section 70 shall forthwith transfer securities of the requisite current market value, or cash and securities of the requisite current market value, to the Board ; or

(*b*) reduce or discontinue the half-yearly contributions to the sinking fund required under section 69 ; or

(*c*) adopt a combination of these measures.]

Interest on outstanding debt.

72. (1) The debt already incurred to the [5] [Government] shall be deemed, to have borne interest at the rate of four per cent per annum from, and after the first day of April 1902 and shall in future bear interest at the said rate, and any payments of interest on such debt at the said rate made after the first day of April 1902 shall be deemed to have been full and sufficient payments of interest.

Repayment of outstanding debt.

(2) The outstanding balance of the debt already incurred to the [5] [Government] shall be repaid upon such terms as to the time of repayment, and otherwise, as the [6] [Central Government] may approve.

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1 This section was re-numbered as sub-section (1) of section 71 by section 161 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

2 These words were substituted for the words " Current value " by section 161 (*a*) (i), *ibid.*

3 These words were added by section 161 (*a*) (ii), *ibid.*

4 This sub-section was inserted by section 161 (*b*), *ibid.*

5 The word " Crown " was substituted for the words " Secretary of State for India in Council " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

6 These words were substituted for the words " Governor-General in Council " by the Adaptation Order of 1937.

(Chapter VII.—The Borrowing Powers of the Board.
Chapter VIII.—Expenditure.)

Power of Board to borrow by means of temporary overdraft or otherwise.

[1][72-A. Notwithstanding anything contained in this Act, the Board may borrow moneys by means of temporary overdraft or otherwise by pledging the securities held by the Board in its reserve funds or on the security of the fixed deposits of the Board in its banks :

Provided that such temporary overdrafts or other loans—

(*a*) shall not at any time have a longer currency than six months ; and

(*b*) shall not be taken without the previous sanction of the Central Government, if at any time in any year the amount of such overdrafts or other loans exceeds ten lakhs of rupees :

Provided further that all moneys so borrowed by temporary overdraft or otherwise shall be expended for the purposes of this Act.]

Power to raise loan on short-term bills.

[2][73. Nothing contained in this Act shall be deemed to affect the power of the Board to raise loans under the Local Authorities Loans Act, 1914.] Cent Act 1914

CHAPTER VIII.

EXPENDITURE.

Objects on which Board may spend money.

74. Subject to the provisions of [3][sub-section (5-*b*) of section 36 of the Indian Ports Act, 1908 (XV of 1908)] and to any specific appropriation by the legislature, the rents, income, and other proceeds of any property vested in the Board under this Act and acquired by the Board thereunder, and all moneys acquired by the Board under or by virtue of this Act shall be applied by the Board as follows and in the following order, namely :—

(1) the salaries, fees, allowances, pensions, gratuities, compassionate allowances, or other moneys due to the Chairman, [4][employees] appointed under this Act and the contributions, if any authorized to be made to any provident fund established for the benefit of the said [4][employees] ;

(2) the cost of repairs to and the maintenance of the property vested in the Board, and all charges upon the same and all working expenses ;

(3) the payment of any interest which is from time to time owing by the Board ;

(4) payments to sinking funds and the repayment of the principal of loans as they fall due ;

[5][(5) payments to reserve funds] ;

[6][(6)] the cost or portion of the cost of any new work, plant, vessel, or appliance which the Board may determine to charge to revenue ;

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1 This section was inserted by section 162 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

2 This section was substituted by section 26 of Madras Act IV of 1923.

3 These words, brackets, figures and letter were substituted for the word and figures "section 94" by section 163 (*a*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

4 These words were substituted for the words "Officers and servants" by section 143, *ibid.*

5 Clause (5) was inserted by section 6 of the Madras Port Trust (Amendment) Act, 1929 (Madras Act VII of 1929).

6 Original clauses (5), (6) and (7) were renumbered as (6), (7) and (8) by *ibid.*

[1][(6*a*) the payment of such sums as may from time to time be agreed upon by the Central Government and the State Government or by the Board and the State Government as a reasonable contribution on account of expenses in connexion with the watch and ward functions of the harbour police and the police employed for guarding the docks, ware-houses and other property of the Board ;

(6*b*) any other charge which may on the application of the Board be specially sanctioned by the Central Government or for which the Board may be legally liable ;]

[2][(7)] the remuneration of the trustees ; and

[2][(8)] generally for the purposes of this Act.

Establishment of reserve fund.

[3][**74-A.** (1) The Board may, out of its surplus income, set apart, from time to time, such sums as it thinks fit as a reserve fund or funds, for providing for all or any of the following cases, namely :—

(*a*) any temporary decrease of income ; or

(*b*) any temporary increase of expenditure ; or

(*c*) replacement expenditure ; or

(*d*) expenditure to make good loss or damage from fire, cyclone, shipwreck or other accident ; or

(*e*) any other emergency arising in the conduct of its work under this Act :

Provided that the sums set apart annually in respect of, and the aggregate, at any time of, any such reserve fund shall not exceed such amounts as may from time to time be fixed in that behalf by the [4][Central Government].

(2) Any such reserve fund or funds shall be invested [5][in public securities or in such other securities as the Central Government may approve in this behalf.]

Board may invest in its own securities.

[6][**74-B.** (1) For the purposes of any investment which the Board is authorized to make by this Act, it shall be lawful for the Board to reserve and set apart any securities to be issued by it on account of any loan to which the consent of the Central Government has been given, provided that the intention to so reserve and set apart such securities shall have been notified as a condition to the issue of the loan.

(2) The issue of any such securities direct to, and in the name of 'The Trustees of the Port of Madras' shall not operate to extinguish or cancel such securities, but every security so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(3) The purchase by the Board of the transfer, assignment or indorsement to the Trustees of the sinking fund or the Board, of any security issued by the Board, shall not operate to extinguish or cancel any such security, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or indorsed to, any other person.

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1 Clauses (6*a*) and (6*b*) were inserted by section 163 (*b*) of the Port Trusts and Ports (Amendment) Act 1951 (Central Act XXXV of 1951).

2 Original clauses (5), (6) and (7) were renumbered as (6), (7) and (8) by section 6 of Madras Act VII of 1929.

3 Section 74-A was inserted by section 7, *ibid.*

4 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

5 These words were substituted for the words "in the securities of the Central Government or in Port Trust securities" by section 164 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

6 Sections 74 B and 74 C were inserted by section 165, *ibid.*

(4) All securities of the Board heretofore purchased by, issued, transferred or assigned to, or indorsed into the names of the Trustees of the Port of Madras, or any person on their behalf, and all securities heretofore issued by way of renewal, consolidation or sub-division of any such securities, shall be and shall be deemed to have always been valid and negotiable in all respects and in the same manner and to the same extent as if held by, or issued, transferred, assigned or indorsed to any other person.

Power to transfer moneys from the general account to the pilotage account and *vice versa*.

74-C. The Board may, with the previous sanction of the Central Government, apply any sum out of the moneys credited to the general account of the Port towards meeting deficits, if any, in the pilotage account of the Port maintained under section 36 of the Indian Ports Act, 1908 (XV of 1908), or transfer the whole or any part of any surplus funds in such pilotage account to the general account of the Port.]

Prior sanction of Central Government to charge expenditure to Capital.

[1] [**75.** (1)] No expenditure shall be charged by the Board to capital without the previous sanction of the [2][Central Government.]

[1][(2) Nothing in sub-section (1) shall require further sanction of the Central Government in the case where the actual expenditure incurred as a charge to capital exceeds the expenditure sanctioned in this behalf by the Central Government unless the excess is more than ten per cent of the expenditure so sanctioned.]

Works requiring sanction of Board or Central Government.

76. No new work or appliance the estimated cost of which exceeds [3][ten thousand rupees], shall be commenced or provided by the Board, nor shall any contract be entered into by the Board in respect of any such new work or appliance until a plan and estimate of such work has been submitted to, and approved by the Board; and, in case the estimated cost of any such new work or appliance shall exceed [4][two lakhs of rupees], it shall not be commenced or provided until such plan and estimate have been sanctioned by the [3][Central Government].

[5][Provided that where the estimated cost of any new work or appliance has been sanctioned by the Central Government, no expenditure which exceeds by more than ten per cent the estimated cost so sanctioned shall be incurred by the Board without the previous sanction of the Central Government.]

Powers of Chairman as to execution of works.

[6][**76-A.** Notwithstanding anything contained in section 76, the Chairman may direct the execution of any work the cost of which does not exceed five thousand rupees, and may enter into contracts for the execution of such works, and in every such case the Chairman shall make a report to the Board at its next meeting of any such directions given or contracts entered into by him.]

[7] [**77**] and [7] [**78**].

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1 Section 75 was renumbered as sub-section (1) of that section and sub-section (2) was added by section 166 of the Port Trusts and Ports (Amendment) Act, 1951, (Central Act XXXV of 1951).

2 These words were substituted for the words "Local Government" by the Adaptation Order of 1937

3 These words were substituted for the words "two thousand rupees" by section 167 (*a*), *ibid.*

4 These words were substituted for the words "fifty thousand rupees" by section 167 (*b*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951) as substituted for the words "twenty-five thousand rupees" by section 15 of the Madras Port Trust (Amendment) Act, 1915 (Madras Act II of 1915).

5 This proviso was inserted by section 167 (*c*) of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

6 Section 76 was inserted by section 168, *ibid.*

7 Sections 77 and 78 were repealed by section 169, *ibid.*

(Chapter IX.—Accounts, Estimates and Contracts.)

CHAPTER IX.

ACCOUNTS, ESTIMATES AND CONTRACTS.

Audit and examination of accounts.

[1][79.] The accounts of the receipts and expenditure of the Board shall, once in every year, be laid before the [2][Central Government] and shall be audited and examined [3][by the Comptroller and Auditor-General of India at such times and in such manner as may be determined by him]. For the purposes of any such audit, audit, and examination of accounts, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they deem necessary; and many require any person holding or accountable for any such books, deeds, contracts, vouchers, documents, or papers to appear before them at any such audit and examination or adjonrnment thereof, and to answer all questions which may be put to him with respect to the same, or to prepare and submit any further statement which such auditors may consider necessary in explanation thereof.

Power of auditors to call for books, etc.

Publication of audit report.

[1][80.] Within fourteen days after the audit and examination have been completed, the auditors shall report upon the accounts audited and examined, and shall forward copies of their report to the [2][Central Government] and to the Board. The Board shall cause the report and an abstract of the accounts to be published in the [4][Official Gazette] [5][* * * *].

Board to remedy defects and irregularities pointed out in the audit report and Central Government to pass final orders.

[6][80-A. (1) The Board shall forthwith take into consideration any defects or irregularities that may be pointed out by the auditors in their report and shall pass such orders thereon as the Board may think fit and shall also send a report of the action taken by the Board to the Central Government.

(2) If there is a difference of opinion between the Board and the auditors on any point included in the audit report and the Board feel unable to accept the recommendation, if any, made by the auditors on such point, the matter shall forthwith be referred to the Central Government who shall pass final orders thereon and the Board shall be bound to give effect to such orders.]

Auditors' remuneration.

[1][81.] [7][The Comptroller and Auditor-General of India] shall be paid by the Board such remuneration as the [2][Central Government] shall determine.

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1 Present sections 79 to 92 were sections 80 to 93, respectively, in the original Act—vide section 16 of Madras Act II of 1915.

2 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

3 These words were substituted for the words "by such auditors as shall, from time to time, be appointed by the Central Government" by section 170 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

4 These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

5 The words "and in some one or more of the daily newspapers published in Madras" which occurred at the end of this section were omitted by section 17 of Madras Act II of 1915.

6 This section was inserted by section 171 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

7 These words were substituted for the word "auditors" by section 172, *ibid.*

(Chapter IX.—Accounts, Estimates and Contracts.)

Submission to Board of annual estimate of income and expenditure.

[1][82.] The Chairman shall, at a special meeting to be held on or before the twentieth day of January in each year, lay before the Board an estimate of the income and expenditure of the Board for the financial year then next ensuing. Every such estimate shall be [2][in such detail and form] as the [3][Central Government] shall direct.

Circulation of estimate to Trustees.

[1][83.] Such estimate shall be completed and printed, and a copy thereof sent by post or otherwise to each trustee not less than ten clear days [4][* * * *] prior to the day appointed for the special meeting before which the estimate is to be laid under section 82.

Revision and passing of estimate.

[1][84.] It shall be in the discretion of the Board, at such meeting, to pass or to reject the estimate, or to modify or alter it, and to pass it as so modified or altered.

Approval of estimate by Central Government.

[1][85.] (1) Every such estimate, when so passed by the Board, shall be submitted to the [3][Central Government] not later than the tenth day of February; and the [3][Central Government] may either approve the estimate, or may return it with remarks and may call for such additional information as they may deem necessary; and the Board shall forthwith proceed to reconsider the estimate with reference to such remarks, and shall furnish such additional information as the [3][Central Government] may call for and shall, if necessary, modify or alter the estimate and shall re-submit it to the [3][Central Government].

(2) The [3][Central Government] shall then pass, reject or modify all or any of the items entered in the estimate or add thereto any items. Provided that no such modification, rejection or addition be inconsistent with the provisions of this Act or involve the raising of a loan.

Preparation of supplemental estimates.

[1][86.] The Board may, in the course of any year for which an estimate has been approved by the [3][Central Government], cause one or more supplemental estimates for the residue of such year to be prepared and laid before the Board; and thereupon such proceedings shall be had as by sections 83, 84[1] and 85[1] are directed to be had with respect to the estimate therein mentioned. Every such supplemental estimate shall be considered by the Board and submitted to the [3][Central Government] in the same manner as if it were an original annual estimate.

Re-appropriation of amounts in estimate.

[5][86-A. Subject to any directions which the Central Government may give in this behalf, any sum of money, or part thereof, of which the expenditure has been authorized in an estimate for the time being in force, finally approved by the Central Government and which has not been so spent, may at any time be re-appropriated by the Board to meet any excess in any other expenditure authorized in the said estimate:

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1 Present sections 79 to 92 were sections 80 to 93, respectively, in the original Act —vide section 16 of the Madras Act II of 1915.

2 These words were substituted for the words "in such form" by section 173 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

3 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

4 The words "at least" were omitted by section 10 of Madras Act II of 1919.

5 Sections 86A, 86B and 86C were inserted by section 174 of the Port Trusts and Ports (Amendment Act 1951 (Central Act XXXV of 1951).

Provided that no such re-appropriation shall be made from one major head of expenditure to another such head without the previous sanction of the Central Government.

Submission of accounts to the Central Government.

86-B. (1) The Board shall annually, or oftener if directed by the Central Government so to do, submit statements of its receipts and disbursements to the Central Government in such form and at such time as that Government may direct.

(2) A copy of all such statements shall be open to the inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may from time to time be fixed by the Board.

No expenditure above five thousand rupees to be incurred unless sanctioned in estimate.

86-C. (1) Subject to the provisions of section 86A, no sum exceeding five thousand rupees shall, save in cases of pressing emergency, be expended by, or on behalf of, the Board unless such sum is included in some estimate at the time in force which has been finally approved by the Central Government.

(2) If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Central Government together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.]

Power to enter into contracts.

[1][**87.**] The Board may enter into contracts for carrying into effect the purposes of this Act :

Provided always that no contract, under or by virtue of which a sum greater than [two lakhs of rupees] may in any event be payable by the Board, shall be valid without the assent of the [3][Central Government].

Power of Chairman as to contracts.

[4][**88.** The Chairman may, on behalf of the Board, enter into any contract or agreement whereof the value or amount shall not exceed five thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the Board shall be in writing, and shall be signed by the Chairman and by two other trustees and shall be sealed with the common seal of the Board. No contract or agreement not executed as is in this section provided shall be binding on the Board.]

Power to compound or compromise claims.

[1][**89.**] The Board may compound or compromise any claim or demand arising out of any contract entered into by the Board or any action or suit instituted by or against the Board :

[5][Provided that no settlement shall be made under this section without the previous sanction of the Central Government if such settlement involves the payment by the Board of a sum exceeding twenty-five thousand rupees.]

Writing off of losses.

[6][**89-A** (1) Subject to such conditions as may be specified by the Central Government, where the Board is of opinion that any amount due to, or any loss, whether of money or of property, incurred by the Board is irrecoverable, the Board may,

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1 Present sections 79 to 92 were sections 80 to 93, respectively, in the original Act—vide section 16 of Madras Act II of 1915.

2 These words were substituted for the words "fifty thousand rupees" by section 175 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

3 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

4 This section was substituted by section 176 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951) for section 88 as substituted for original section by section 27 of Madras Act IV of 1923).

5 This proviso was added by section 177 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

6 This section was inserted by section 178, *ibid*.

with the previous approval of the Central Government, sanction the writing off finally of the said amount or loss :

Provided that no such approval of the Central Government shall be necessary where such irrecoverable amount or loss does not exceed, in any individual case, two thousand and five hundred rupees or, in the aggregate in any one year, fifty thousand rupees.

(2) Notwithstanding anything contained in sub-section (1), where the Chairman is of opinion that any amount due to, or any loss, whether of money or of property incurred by, the Board is irrecoverable, the Chairman may sanction the writing off finally of such amount or loss, provided that such amount or loss does not exceed, in any individual case, five hundred rupees or, in the aggregate in any one year, ten thousand rupees ; and in every such case the Chairman shall make a report to the Board giving reasons for such sanction.]

CHAPTER X.

PILOTS AND HARBOUR-MASTERS.

Pilotage fees.

[1][90.] The Board shall have the right and privilege of maintaining pilots or harbour-masters for the navigation of vessels at the port. [2][* * * .]

Appointment of pilots.

[1][91.] No person shall be appointed to be a pilot or harbour-master by the Board who is not for the time being authorized by the [3][Central Government] under the provisions of [4][the Indian Ports Act, 1908] to pilot vessels.

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Rules and regulations regarding pilots.

[1][92.] Notwithstanding anything contained in sections 27, 28 and 29, the Board may make [5][special rules and regulations,]—

(*a*) for fixing and regulating the wages and allowances for pilotage to be received by pilots or harbour-masters, and

(*b*) for regulating the behaviour and conduct of pilots or harbour-masters,

and [6][may enforce] the observance of such rules and regulations by the imposition of pecuniary penalties not exceeding two hundred rupees for every breach thereof, or by suspension or deprivation of appointment, or otherwise as to the Board may appear expedient :

Provided that such rules and regulations shall first have been approved by the [3][Central Government], and published in the [7][Official Gazette].

[8][93] and [8][94].

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1 Present sections 79 to 92 were sections 80 to 93, respectively, in the original Act—vide section 16 of Madras Act II of 1915.

2 The words "and all fees for pilotage shall be paid to the Board" were omitted by section 179 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

3 These words were substituted for the words "Local Government" by the Adaptation Order of 1937.

4 The words and figures "the Indian Ports Act, 1908" were substituted for the words and figures "the Indian Ports Act, 1889," by section 32 of Madras Act IV of 1923.

5 These words were substituted for the words "such special rules and regulations as it shall think fit" by section 28 of Madras Act IV of 1923.

6 The words "may enforce" were substituted for the words "shall enforce" by *ibid.*

7 These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

7 Sections 93 and 94 were repealed by section 180 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

CHAPTER XI.

BY-LAWS.

Power to frame by-laws.

95. The Board may, from time to time, make by-laws not inconsistent with the provisions of this Act or of [1][the Indian Ports Act, 1908],—

(1) for the guidance of persons employed by the Board under this Act;

(2) for the safe and convenient use of the docks, wharves, quays, jetties, sheds, warehouses, railways, tramways and other works constructed by the Board or vested in the Board under this Act;

(3) for the use of the public landing places constructed by or vested in the Board;

(4) for the reception, porterage, storage and removal of goods brought within the premises of the Board and for the exclusive conduct of these operations by the Board or persons employed by the Board;

(5) for keeping clean the harbour and basins and the works of the Boards, and for preventing filth or rubbish being thrown therein or thereon;

(6) for the mode of the payment of the rates leviable under this Act;

(7) for regulating, declaring and defining the docks, wharves, quays, jetties, stages, and piers vested in the Board on which goods shall be landed from vessels and shipped on board vessels;

(8) for regulating the lighterage of cargo between ships or between ships and shore or between shore and ships; [*].

[2][(9) for the exclusion from its premises of disorderly or other undesirable persons and of trespassers; and]

[2][(10)] generally for carrying out the purposes of this Act.

Approval and publication of bye-laws.

[3][**96.** (1) No bye-law or alteration or revocation of a bye-law shall have effect until the same has been approved by the Central Government.

(2) No bye-law or alteration or revocation of a bye-law shall be approved by the Central Government until the same has been published for two weeks successively in the Official Gazette and until fourteen days have expired from the date on which the same had been first published in that Gazette.]

Penalties for infringement of bye-laws.

97. The Board may in such bye-law prescribe such penalties as it shall deem fit for the infringement of the same: provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after the first during which such infringement continues.

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1 The words and figures "the Indian Ports Act, 1908" were substituted for the words and figures "the Indian Ports Act, 1889," by section 32 of Madras Act IV of 1923.

2 The word "and" was omitted and clause (9) was inserted by section 18 of Madras Act II of 1915. Old clause (9) was renumbered as (10) by the same section.

3 This section was substituted for original section 96 by section 181 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

(*Chapter XI.—Bye-laws. Chapter XII.—Penalties.*)

Exhibition of bye-laws and scales of rates and charges.

98. The Board shall cause the said bye-laws and the scales of rates leviable by the Board [1][together with a statement of the conditions under which it is prepared to render services] [2][or to provide for services to be rendered] [3][ ] to be hung up at the several wharves, docks, and piers and other convenient places on the premises of the Board.

Cancellation of bye-laws.

99. The [4][Central Government] may, by an order published in the [5][Official Gazette] at any time, annul any such bye-law.

CHAPTER XII.

PENALTIES.

Penalty for being interested in contracts with Board.

100. Any person who being a Trustee, or an [6][employee] of the Board, shall acquire, directly or indirectly, any share, or interest in any contract or employment with, by, or on behalf of, the Board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code: Centi XLN 1860.

Provided that nothing in this section shall apply to any person who under [7][clause (*e*) of sub-section (1) of section 10] is to be deemed not to have any share or interest in any contract or employment.

Persons employed under this Act to be public servants for certain purposes.

[8][101. Every person employed under this Act shall, for the purposes of sections 161 to 171 (both inclusive), 184, 185 and 409 of the Indian Penal Code (Act XLV of 1860) and for the purposes of the Prevention of Corruption Act, 1947 (II of 1947), be deemed to be a public servant within the meaning of section 21 of the said Code.]

Penalty for refusing or neglecting to appear before an auditor of accounts, etc.

102. Any person who, when duly required so to do by any auditor of accounts under section [9][79] shall refuse or neglect to appear before such auditor or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to answer any question or prepare and submit any statement, shall be punishable for every such neglect or refusal with fine which may extend to one hundred rupees.

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1 These words were inserted by section 19 of Madras Act II of 1915.
2 These words were inserted by section 30 of Madras Act IV of 1923.
3 The words " to be printed in the English, Telugu, Tamil and Hindustani languages and " were omitted by *ibid.*
4 These words were substituted for the words " Local Government " by the Adaptation Order of 1937.
5 These words were substituted for the words " *Fort St. George Gazette* " by *ibid.*
6 These words were substituted for the words " officer or servant " by section 143 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).
7 These words and figures were substituted for the words and figures " the proviso to sub-section (1) of section 7 " by section 32 of Madras Act IV of 1923.
8 This section was substituted for original section 101 by section 182 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).
9 The reference to original section 80 was altered into a reference to section 79 by section 16 of Madras Act II of 1915.

(*Chapter XII.—Penalties.*)

Penalty for depositing filth, etc., on the wharves or foreshore.

103. Any person who without licence of competent authority wilfully deposits, or permits his servants to deposit any dust, dirt, dung, ashes, refuse or filth of any kind, or broken glass, earthenware, or rubbish, in or upon any wharf, dock or pier in the possession of the Board, or in or upon any part of the foreshore of the port shall be punishable with fine which may extend to ten rupees for each offence.

Penalty for setting up any erection below high watermark in the port.

104. (1) Any person, other than the Board or the Conservator of the Port, who shall, without first obtaining the written consent of the [1] [Central Government] to his so doing, make, set up or fix, within the limits of the port, any wharf, quay, pier, mooring or other erection whatsoever, shall be punishable with fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees for every day during which he shall permit such wharf, quay, pier, mooring or other erection, to remain after notice to remove the same has been given to him.

(2) Any such wharf, quay, pier, mooring or other erection within the limits of the port may be removed by the Board and the person who made, set up, or fixed the same, shall be liable to pay all expenses which may be incurred by the Board in the removal thereof.

Penalty for understating quantity or weight of goods, or incorrectly describing them.

105. If it be found when goods are imported at, or exported from, any wharf, dock or pier in the possession of the Board, that the [2] [weight, quantity or description of such goods has been understated or incorrectly given] in any document presented to any [3] [employee] of the Board for the purpose of enabling him to determine the rates payable in respect of the said goods, the owner of such goods shall be liable to pay to the Board such sum not exceeding twice the proper rates on the [4] [whole weight or quantity of the consignment of goods so understated or incorrectly described] as may be determined by the Board, [5] [or where any employee of the Board has, subject to such conditions as may be laid down by the Board, been generally or specially authorized by the Board in this behalf by such employee, and the said sum shall on application by or on behalf of the Board,] be recoverable under a Presidency Magistrate's warrant as if it were a fine inflicted by such Magistrate.

Penalty for evading tolls, etc.

106. Any person who removes or attempts to remove, or abets the removal of, any vessel or goods with the intention of evading payment of the rates lawfully due in respect thereof to the Board, shall be punishable with fine which may extend to fifty rupees.

Recovery of value of damage to property of Board.

107. If through the negligence of any person having the guidance or command of any vessel, or of any of the mariners or persons employed on such vessel, damage shall be caused to any wharf, dock, pier or other work in the possession of the Board, the amount of such damage shall, on the application

1 These words were substituted for the wrods "Local Government" by the Adaptation Order of 1937.
2 These words were substituted for the words "weight or quantity of such goods has been understated" by section 20 of Madras Act II of 1915.
3 This word was substituted for the word "officer" by section 143 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).
4 These words were substituted for the words "weight or quantity of goods so understated" by section 20 of Madras Act II of 1915.
5 These words were substituted for the words "and the said sum shall, on the application of the Board" by section 183, *ibid.*

of the Board, be recoverable, together with the cost of such recovery, by distress and sale, under a Presidency Magistrate's warrant, of a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores belonging to such vessel: Provided that no such warrant shall issue until the master of such vessel has been duly summoned to appear, or, if he appears, until he has been heard; and provided also that no such warrant shall issue if the vessel was at the time under the orders of a duly authorized [1] (employee) of the Board or [2] [employee] in the pilot service of the port unless the damage caused was in no way attributable to the order, act or improper omission of such [3] (employee).

Cognizance of offences against Act or bye-laws.

108. Except as is otherwise provided, all offences against this Act or against any bye-law published under section 96 shall be cognizable by a Presidency Magistrate.

CHAPTER XIII.

MISCELLANEOUS.

Saving of power of Chief Officer of Customs under existing law.

109. Nothing in this Act shall affect any power vested in the Chief Officer of Customs under any law for the time being in force.

[4][**109-A.** The provisions of sections 36, 39, 42, 43, 60, 61, 62, 95, 106, 107 and 111 shall apply in relation to all aircraft making use of the Port while on water as they apply in relation to vessels.]

Application of certain provisions of the Act to aircraft.

Notice and limitation of suits or other proceedings.

110. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

Saving of liability of Board for acts of officers or servants.

111. The Board shall not be liable for any act or default of any officer or servant appointed under this Act, or under [5][the Indian Ports Act, 1908], if the Board be appointed by Government, under the Indian Ports Act, to be Conservator of the Port, or of any person acting under the authority or direction of any such [1] [employee] unless such act or default is done or made under the direction of the Board; Central XV of 1908.

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the Board;

nor shall the Board, or any of the said [6] [employees], be liable in damages for any act *bona fide* done, or ordered to be done by them in pursuance of this Act.

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1 This word was substituted for the word "servant" by section 143 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

2 This word was substituted for the word "officer" by *ibid.*

3 This word was substituted for the words "servant or officer" by *ibid.*

4 Section 109A was inserted by section 184, *ibid.*

5 The words and figures "the Indian Ports Act, 1908" were substituted for the words and figures "the Indian Ports Act, 1889," by section 32 of Madras Act IV of 1923.

6 This word was substituted for the words "officers or servants" by section 143 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

(Chapter XIII.—Miscellaneous.)

[1][111-A. (1) Notwithstanding anything contained in any other law, if the Board in exercise of the powers conferred on it by regulations made under this Act cancel the allotment of any premises made to any employee of the Board, the Board may, by notice in writing, order such allottee or any other person who may be in occupation of the whole or any part of the premises to vacate them and deliver the same to the Board or a person appointed by the Board in that behalf within such period as may be specified in the notice.

Power to evict certain persons from the promises of the Board.

Explanation.—For the purposes of this section, " premises " means any building or part of a building and includes—

(i) the gardens, grounds and out-houses, if any, appertaining to such building or part of a building ;

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ; and

(iii) any furniture, books or other things belonging to the Board and found in such building or part of a building.

(2) If any allottee or other person refuses or fails to comply with an order made under sub-section (1), any presidency-magistrate or magistrate of the first class may, on application made by or on behalf of the Board, order any police officer, with proper assistance, to enter into the premises and evict any person from, and take possession of, the premises and to deliver the same to the Board or a person appointed by the Board in that behalf and the police officer may, for that purpose, use such force as may be necessary.

(3) Any such notice as is referred to in sub-section (1) may be served—

(*a*) by delivering or tendering it to the allottee or any other person who may be in occupation of the whole or any part of the premises,

(*b*) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises, or

(*c*) by registered post.]

[1][**111-B.** As soon as may be after the first day of April in every year and not later than such date as may be fixed in this behalf by the Central Government, the Board shall submit to the Central Government a detailed report of the administration of the Port during the preceding year ending on the thirty-first day of March in such form as the Central Government may direct.]

Annual administration report of the Port.

112. The Chairman shall supply to the [2][Central Government] such returns and information [3][relating to the work of the Board under this Act as may, from time to time, be called for by the Central Government].

Submission of returns and information to Central Government.

[4][**113.** (1) If, at any time, the Central Government is of opinion—

Power to supersede the Board.

(*a*) that on account of a grave emergency, the Board are unable to perform the duties imposed on them by or under the provisions of this Act or of any other law, or

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1 Sections 111-A and 111-B were inserted by section 185 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

2 These words were substituted for the words " Local Government " by the Adaptation Order of 1937.

3 These words were substituted for the words " as may be called for by the Central Government for the purposes of this Act " by section 186 of the Port Trusts and Ports (Amendment) Act, 1951 (Central Act XXXV of 1951).

4 This section was substituted for original section 113 by section 187, *ibid.*

(*b*) that the Board have persistently made default in the performance of the duties imposed upon them by or under the provisions of this Act or of any other law and as a result of such default, the financial position of the Board or the administration of the Port has greatly deteriorated, the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months at a time, as may be specified in the notification :

Provided that before issuing a notification under this sub-section for reasons mentioned in clause (*b*), the Central Government shall give a reasonable time of not less than three months to the Board to show cause why the Board should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1) superseding the Board, the following consequences shall ensue :—

(*a*) all the Trustees shall, as from the date of supersession, vacate their offices as such Trustees ;

(*b*) all the powers and duties which may, by or under the provisions of this Act or of any other law, be exercised or performed by or on behalf of the Board, shall until the Board are reconstituted under clause (*b*) or clause (*c*) of sub-section (3) be exercised and performed by such person or persons as the Central Government may direct ;

(*c*) all property vested in the Board shall, until the Board are reconstituted under clause (*b*) or clause (*c*) of sub-section (3), vest in the Central Government.

(3). On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(*a*) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary, or

(*b*) reconstitute the Board by fresh appointment and fresh election, and in such case, any persons who vacated their offices under clause (*a*) of sub-section (2) shall not be deemed disqualified for appointment or election, as the case may be, or

(*c*) reconstitute the Board by appointment only for such period as it may consider necessary and in such a case, the persons who vacated their offices under clause (*a*) of sub-section (2) shall not be deemed disqualified for such appointment merely because they were Trustees when the Board was superseded :

Provided that the Central Government may at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (*b*) or clause (*c*) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before Parliament at the earliest possible opportunity.]

(Schedule I.—Enactments repealed. Schedule II.—The properties vested in the Board.)

SCHEDULE I.

(*See* section 3.)

ENACTMENTS REPEALED.

ACTS PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Year.	Number.	Short title or subject.
1886	II	The Madras Harbour Trust Act, 1885.
1886	III	The Madras Harbour Trust (Amendment) Act, 1886.
1892	I	The Madras Harbour Trust (Amendment) Act, 1892.
1898	II	The Madras Harbour Trust (Amendment) Act, 1898.
1900	III	The Madras Harbour Trust (Amendment) Act, 1900.

SCHEDULE II.

(*See* Section 3.)

THE PROPERTIES VESTED IN THE BOARD.

Part I.

All that piece or parcel of land with the buildings, structures, and appliances thereon and all that sea space occupied by and enclosed in the north and south groynes of the existing Harbour at Madras together with the moorings therein laid down, which said land and space together from the Madras Harbour and are bounded—

On the north by land bearing resurvey No. 1 of Tondiarpet division and by the sea, the line of such boundary running from a pillar erected on the north-west corner of the said premises, being situate one hundred and ninety-five feet from the north-west corner of the Clive battery and bearing twelve degrees twenty-five minutes east of north from the said corner, for ninety yards to another pillar erected at the root of the said north groyne and thence along the sea edge of the rubble base of the said north groyne to the eastern boundary ;

on the east by the sea, the line of such boundary following the sea edge of the rubble base of the said north groyne from north to south, thence across in a direct line to the sea edge of the rubble base of the said south groyne and so on along such sea edge to the southern boundary ;

on the south by the sea, by the foreshore and other land belonging to the [1] [Government], by land in the occupation of the South Indian Railway Company (Limited) and by land vested in the Corporation of Madras, the line of such southern boundary following the sea edge of the rubble base of the said south groyne from the eastern boundary up to the root of such groyne and thence a curved line running on a radius of about one thousand feet up to an iron post sunk below the level of the street at the junction of the southern and the western boundaries being situate eighty-seven feet from the north-eastern corner of the building now occupied by the Chartered Mercantile Bank and one hundred and thirteen feet nine inches from the south-east corner of that building ; and

on the west by land vested in the Corporation of Madras, the line of such boundary running southwards from the north-west pillar referred to in the northern boundary to the north-west angle of the Clive battery, thence along the western side of such battery and for ten feet along the south side of same, thence for a distance of one hundred and fifty-three feet to a pillar marking the joint Municipal and Harbour boundary, thence southwards as far as the iron post referred to in the southern boundary along a line coincident with the Municipal boundary of the First Line Beach Road.

Excepting always from the said lands and premises the lands and buildings vested in the [2] [Government] included within the said boundaries and known respectively as the Clive battery, comprising resurvey numbers 3823, 3824 and 3825, the office and premises of the Deputy Commissioner of Police and the Bonded Warehouse.

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1 This word was substituted for the words "Secretary of State" by the Adaptation (Amendment) Order of 1950.

2 This word was substituted for the words "said Secretary of State" by *ibid.*

(Schedule II.—The properties vested in the Board.)

PART II.

All that piece or parcel of land situate at Rayapuram in the City of Madras together with the buildings and erections thereon and known as Carlton House bounded—

On the north side thereof by north side Mada Church Square Road and by a continuation of the revetment constructed by the Harbour Trust Board ;

on the east by the sea edge of the said revetment ;

on the west by east side Mada Church Road ; and

on the south by portion of the said revetment, the premises belonging to Messrs' Arbuthnot & Co., and Tandavamurti Chetti Street.

PART III.

All that piece or parcel of land situate in Rayapuram aforesaid together with the buildings and erections thereon and bounded—

On the north by Kalmandapam Road and a portion of the said revetment ;

on the east by the sea edge of the said revetment ;

on the west by east side Mada Church Road and resurvey No. 348 ; and

on the south by a portion of the said revetment by Thiruvengada Naick lane and by resurvey No. 348.

PART IV.

All that piece or parcel of land situate in Rayapuram aforesaid together with the buildings and erections thereon and bounded—

On the north by a pillar erected on the eastern boundary of Ghaus Mohideen Pettah Road placed at one thousand one hundred and forty-seven yards north of the junction of such road with Kalmandapam Road and by a line running due east and west through such pillar to the sea edge of the said revetment ;

on the east by the sea edge of the said revetment to a pillar erected at the western corner of Cassimode bay, thence across the bay by a line running due east and west to the sea-edge of the revetment and thence along such a sea edge to the southern boundary ;

on the west by Ghaus Mohideen Pettah Road ; and

on the south bay the Kalmandapam Road and the line thereof produced to meet the eastern boundar.

Excepting always the continuation of Flagstaff street passing through the said land and bearing resurvey No. 3310.

SCHEDULE III.

[Repealed by section 31 of Madras Act IV of 1923.]